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LEGISLATIVE HISTORY

Public Law 85-337
H. R. 5538

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DIGEST OF PUBLIC LAW 85-337

MILITARY PUBLIC LAND WITHDRAWALS. Provides that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands for any one defense project or facility of the Department of Defense, with certain specified exceptions, shall not become effective until approved by an act of Congress, and prescribes certain requirements for the regulation of hunting, fishing, and trapping on military installations or facilities.

85TH CONGRESS
1ST SESSION

S. 557

IN THE SENATE OF THE UNITED STATES

JANUARY 14 (legislative day, JANUARY 3), 1957

Mr. BIBLE introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To provide that withdrawals or reservations of more than five thousand acres of public lands of the United States for certain purposes shall not become effective until approved by Act of Congress.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, notwithstanding any other provisions of law, except
4 in time of war or national emergency declared by the Presi-
5 dent or the Congress, on and after the date of enactment of
6 this Act, the provisions hereof shall apply to the withdrawal
7 and reservation for, restriction of, and utilization by, the
8 Department of Defense for defense purposes of the public
9 lands of the United States, including public lands in the

1 Territory of Alaska: *Provided*, That for the purposes of this
2 Act, the term “public lands” shall be deemed to include,
3 without limiting the meaning thereof, Federal lands and
4 waters of the Outer Continental Shelf, as defined in section 2
5 of the Outer Continental Shelf Lands Act (67 Stat. 462),
6 and Federal lands and waters off the coast of the Territory
7 of Alaska.

8 SEC. 2. No public land, water, or land and water area
9 shall, except by Act of Congress, hereafter be (1) with-
10 drawn from settlement, location, sale, or entry for the use
11 of the Department of Defense for defense purposes or (2)
12 reserved for such use if such withdrawal or reservation would
13 result in the withdrawal or reservation of more than five
14 thousand acres in the aggregate for any one defense project
15 or facility of the Department of Defense since the date of
16 enactment of this Act or since the last previous Act of Con-
17 gress which withdrew or reserved public land, water, or
18 land and water area for that project or facility, whichever is
19 later.

20 SEC. 3. Any application hereafter filed for a withdrawal
21 or reservation, the approval of which will, under section 2
22 of this Act, require an Act of Congress, shall specify—

23 (1) the name of the requesting agency and in-
24 tended using agency;

25 (2) location of the area involved, to include a

1 detailed description of the exterior boundaries and ex-
2 cepted areas, if any, within such proposed withdrawal
3 or reservation ;

4 (3) gross land and water acreage within the ex-
5 terior boundaries of the requested withdrawal or reserva-
6 tion, and net public land, water, or public land and water
7 acreage covered by the application ;

8 (4) the purpose or purposes for which the area
9 is proposed to be withdrawn or reserved, or, if the
10 purpose or purposes are classified for national security
11 reasons, a statement to that effect ;

12 (5) whether the proposed use will result in
13 contamination of any or all of the requested withdrawal
14 or reservation area, and if so, whether such contamina-
15 tion will be permanent or temporary ;

16 (6) the period during which the proposed with-
17 drawal or reservation will continue in effect ;

18 (7) whether, and if so, to what extent, the proposed
19 use will affect continuing full operation of the public
20 land laws and Federal regulations relating to conserva-
21 tion, utilization, and development of mineral resources,
22 timber and other material resources, grazing resources,
23 fish and wildlife resources, water resources, and scenic,
24 wilderness, and recreation and other values ; and

25 (8) if effecting the purpose for which the area is

1 proposed to be withdrawn or reserved will involve the
2 use of water in any State lying wholly or in part west of
3 the ninety-eighth meridian, whether, subject to existing
4 rights, under law, the intended using agency has ac-
5 quired, or proposes to acquire, rights to the use thereof
6 in conformity with State laws and procedures relating
7 to the control, appropriations, use, and distribution of
8 water.

9 SEC. 4. (a) The Secretary of each military department,
10 under regulations prescribed by him, and approved by the
11 Secretary of Defense, shall with respect to each military in-
12 stallation or facility under the jurisdiction of his depart-
13 ment—

14 (1) require that all hunting, trapping, and fishing
15 at the installation or facility be in accordance with the
16 fish and game laws of the State or Territory in which it
17 is located;

18 (2) require that licenses for hunting, trapping, or
19 fishing be obtained from the State or Territory in which
20 such installation or facility is located. With respect to
21 members of the Armed Forces, such license will be re-
22 quired if such State or Territory authorizes the issuance
23 of a license to a member of the Armed Forces on bona
24 fide military duty for not less than thirty days at any
25 installation or facility therein, without regard to resi-

dence requirements, and upon terms no less favorable than those terms upon which such a license is issued to residents of such States or Territories; and

(3) develop, subject to any requirements of safety or military security, in cooperation with the Governor (or his designee) of the State or Territory in which the installation or facility is located, procedures under which designated fish and game or conservation officials of that State or Territory may, at such time and under such conditions as may be agreed upon, have full access to that installation or facility to effect measures for the management, conservation, and harvesting of fish and game resources.

(b) Whoever is guilty of an act or omission which violates a requirement prescribed by the Secretary of a military department under subsection (a) (1) or (2) of this section, which act or omission would be punishable if committed or omitted within the jurisdiction of the State or Territory in which the installation or facility is located by the laws thereof in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

(c) This section does not modify any rights granted by treaty or otherwise to any Indian tribe or to the members thereof.

SEC. 5. The Federal Property and Administrative Serv-

ices Act of 1949 (63 Stat. 377), as amended, is hereby further amended by revising section 3 (d) to read as follows:

“(d) The term ‘property’ means any interest in property except (1) the public domain; lands reserved or dedicated for national forest or national park purposes; minerals in lands or portions of lands withdrawn or reserved from the public domain which the Secretary of Interior determines are suitable for disposition under the public land mining and mineral leasing laws; and lands withdrawn or reserved from the public domain except lands or portions of lands so withdrawn or reserved which the Secretary of the Interior, with the concurrence of the Administrator, determines are not suitable for return to the public domain for disposition under the general public-land laws because such lands are substantially changed in character by improvements; (2) naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines; and (3) records of the Federal Government.”

SEC. 6. All withdrawals and reservations of public land for the use of any agency of the Department of Defense, heretofore or hereafter made by the United States, shall be deemed to be subject to the condition that all minerals in the

1 lands so withdrawn or reserved are under the jurisdiction
2 of the Secretary of the Interior and no disposition shall be
3 made of minerals in such lands except under the applicable
4 public land mining and mineral leasing laws: *Provided*, That
5 nothing in this section shall apply to lands withdrawn or
6 reserved specifically as naval petroleum, naval oil shale, or
7 naval coal reserves.

A BILL

To provide that withdrawals or reservations of more than five thousand acres of public lands of the United States for certain purposes shall not become effective until approved by Act of Congress.

By Mr. BIBLE

JANUARY 14 (legislative day, JANUARY 3), 1957

Read twice and referred to the Committee on Interior
and Insular Affairs

by the Representatives in Congress from Louisiana; and the remaining 1,000 copies shall be for the use of and the distribution by the Senators from the State of Louisiana.

SEC. 2. The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall provide suitable illustrations to be bound with these proceedings.

AMENDMENT OF RULE RELATING TO STANDING COMMITTEES

Mr. POTTER submitted the following resolution (S. Res. 36), which was referred to the Committee on Rules and Administration:

Resolved, That rule 25 of the Standing Rules of the Senate (relating to standing committees) is amended by—

(1) striking out subparagraphs 10 through 13 in paragraph (h) of section (1);

(2) striking out subparagraphs 16 through 19 in paragraph (1) of section (1); and

(3) inserting in section (1) after paragraph (c) the following new paragraph:

"(p) Committee on Veterans' Affairs, to consist of nine Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Veterans' measures, generally.

"2. Pensions of all wars of the United States, general and special.

"3. Life insurance issued by the Government on account of service in the Armed Forces.

"4. Compensation of veterans.

"5. Vocational rehabilitation and education of veterans.

"6. Veterans' hospitals, medical care, and treatment of veterans.

"7. Soldiers' and sailors' civil relief.

"8. Readjustment of servicemen to civil life."

SEC. 2. Effective for the remainder of the 85th Congress, section (4) of the Standing Rules of the Senate is amended to read as follows:

"(4) (a) Each Senator shall serve on two standing committees and no more; except that not to exceed 21 Senators of the majority party, and not to exceed 9 Senators of the minority party, who are members of the Committee on the District of Columbia, the Committee on Government Operations, the Committee on Post Office and Civil Service, or the Committee on Veterans' Affairs may serve on three standing committees and no more.

"(b) In the event that during the 85th Congress members of one party in the Senate are replaced by members of the other party, the 30 third-committee assignments shall in such event be distributed in accordance with the following table:

"Senate seats:

"Majority	Minority
48	48
49	47
50	46
51	45

"Third-committee assignments:

"Majority	Minority
23	7
21	9
19	11
17	13"

SEC. 3. Effective at the beginning of the 86th Congress, section (4) rule 25 of the Standing Rules of the Senate is amended to read as follows:

"(4) Each Senator shall serve on two standing committees and no more; except that not to exceed 19 Senators of the majority party, and not to exceed 7 Senators of the minority party, who are members of the Committee on the District of Columbia, the Committee on Government Operations, the Committee on Post Office and Civil Service,

or the Committee on Veterans' Affairs may serve on three standing committees and no more."

SEC. 4. The Committee on Veterans' Affairs is authorized and directed as promptly as feasible after its appointment and organization to confer with the Committee on Finance and the Committee on Labor and Public Welfare for the purpose of determining what disposition should be made of proposed legislation, messages, petitions, memorials, and other matters theretofore referred to the Committee on Finance and the Committee on Labor and Public Welfare during the 85th Congress which are within the jurisdiction of the Committee on Veterans' Affairs.

ADDITIONAL FUNDS AND TEMPORARY ASSISTANTS FOR COMMITTEE ON GOVERNMENT OPERATIONS

Mr. McCLELLAN, from the Committee on Government Operations, reported the following resolution (S. Res. 37), which was referred to the Committee on Rules and Administration:

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by section 134 of the Legislative Reorganization Act of 1946 and in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations, or any subcommittee thereof, is authorized from February 1, 1957, through January 31, 1958, (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis such technical, clerical, and other assistants and consultants as it deems advisable; and (3) with the prior consent of the head of the department or agency concerned, and of the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 2. The expenses of the committee under this resolution, which shall not exceed \$225,000 shall be paid from the contingent fund of the Senate by vouchers approved by the chairman of the committee.

EXTENSION OF TIME FOR STUDY OF ADMINISTRATION OF THE GOVERNMENT EMPLOYEES SECURITY PROGRAM

Mr. JOHNSTON of South Carolina submitted the following resolution (S. Res. 38), which was referred to the Committee on Post Office and Civil Service:

Resolved, That Senate Resolution 154, 84th Congress, agreed to February 20, 1956, as amended (authorizing a study of the administration of the Government employees security program), is amended by striking out "January 31, 1957" wherever it appears in such resolution and inserting in lieu thereof "March 31, 1957."

EXTENSION OF TIME FOR INVESTIGATION OF ADMINISTRATION OF THE CIVIL SERVICE COMMISSION AND THE POSTAL SERVICE

Mr. JOHNSTON of South Carolina submitted the following resolution (S. Res. 39), which was referred to the Committee on Post Office and Civil Service:

Resolved, That Senate Resolution 153, 84th Congress, agreed to February 20, 1956 (authorizing an investigation of the administration of the civil service system and the postal service), is amended by striking out

"January 31, 1957" wherever it appears in such resolution and inserting in lieu thereof "March 31, 1957."

EFFECTIVE DATE OF WITHDRAWALS OR RESERVATIONS OF CERTAIN PUBLIC LANDS

Mr. BIBLE. Mr. President, I introduce, for appropriate reference, a bill providing that withdrawals or reservations of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress.

The purpose of this proposed legislation is to recapture for the Congress the exercise of some of its constitutional responsibility for the regulation of the public lands—responsibility that has not been specifically delegated but which has been acquired by the executive branch, over a long period of years, through the silence or acquiescence of the legislative branch. At the same time this bill would correct a situation that has been causing an unfortunate amount of public resentment against the Armed Forces of the United States.

Mr. President, the natural resources of our public lands are vital to the welfare and security of the Nation. The multiple use of those resources through mining, mineral leasing, grazing, forestry, wildlife management and public recreation, is especially important to the economy of the Western States. In the conservation and administration of these lands and resources, we simply cannot afford the luxury of a lack of adequate controls.

One major section of this bill spells out business-like procedures for the preparation and consideration of applications for military withdrawals. It would encourage and authorize the continued multiple use of the withdrawn lands by the public where and when feasible and consistent with the military purposes.

The 5,000-acre limitation would permit sufficient area for the rapid installation of needed facilities in any emergency without the delay of legislative action. The provisions of the bill would not apply in time of war or national emergency declared by the President or by Congress.

I want to elaborate briefly, Mr. President, on another important objective of this bill. It will solve a problem that has long plagued the State agencies whose constitutional and legal duty it is to manage and regulate the fish and game resources on both private and public lands. It will remove a source of irritation to the sportsmen of the Nation who believe with good reason that conservation laws should apply equally to all citizens, including those who wear the revered uniforms of the armed services.

Although this has by no means been universally true, there have been numerous and repeated instances of abuse and disregard of State conservation laws by highly placed military personnel hunting on military areas. The result has been a tremendous volume of bad publicity for the armed services, which deserve and need the respect of all the

people. If this proposed legislation accomplishes nothing else, it will represent a great service to the military departments by solving one of their most troublesome public-relations problems.

Briefly, this bill, if evaluated, will solve the hunting and fishing headache by requiring, first, that all hunting, trapping, and fishing on military lands be in accordance with State or Territorial laws; and second, that if they are going to hunt, trap, or fish on military areas, members of the Armed Forces must secure proper State licenses. Provision is made for recognition of resident status if a member of the Armed Forces is on bona fide duty for at least 30 days at the military area where he does the hunting or fishing. As another important conservation step the bill requires cooperation with State officials in the management and harvesting of fish and game resources, including procedures which will grant access to such State officials subject to safety and security considerations.

This bill, Mr. President, grew out of prolonged hearings and searching studies conducted last year by the House Committee on Interior and Insular Affairs. It was disclosed that for many years the Army, Navy, and the Air Force have been securing the withdrawal or reservation of excessive areas of the public domain without having to justify the need to any authority, and indeed without any attempt to coordinate, or jointly use, their separate acquisitions. It was shown that the machinery for such coordination, and for the joint use or multiple use of an area where feasible, was lacking.

A similar bill, H. R. 12185, was passed by the House by unanimous consent 2 days before the adjournment of the 84th Congress. This of course was too late for adequate consideration by this body. I shall request a thorough study of the proposal by the appropriate committee of the Senate at an early date.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 557) to provide that withdrawals or reservations of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress, introduced by Mr. BIBLE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

FOUR-STATE INDIAN WELFARE BILL

Mr. THYE. Mr. President, I introduce, for appropriate reference, a bill to provide for a more equitable apportionment between the Federal Government and the States of Wisconsin, Minnesota, North Dakota, and South Dakota of the cost of providing aid and assistance under the Social Security Act to Indians. This proposal would also provide that the United States pay the actual cost of certain welfare services contracted for Indians in these States.

I ask unanimous consent that the text of the North Central States Indian Policy Declaration be printed in the RECORD at this point in my remarks, and that the bill itself be held at the desk until the

close of business on Thursday next so that my fellow colleagues from these four States may join me in its introduction.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be held at the desk, as requested by the Senator from Minnesota, and the declaration will be printed in the RECORD.

The bill (S. 574) to provide, first, that the United States shall pay the actual cost of certain services contracted for Indians in the States of Minnesota, North Dakota, South Dakota, and Wisconsin; and second, for a more equitable apportionment between such States and the Federal Government of the cost of providing aid and assistance under the Social Security Act to Indians, introduced by Mr. THYE (for himself, Mr. WILEY, Mr. LANCER, Mr. MUNDT, and Mr. CASE of South Dakota), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The declaration, presented by Mr. THYE, is as follows:

NORTH CENTRAL STATES INDIAN POLICY DECLARATION

1. The scope of this proposed joint action and program is not to solve all Indian problems, but to crystallize intergovernmental relationships between the Federal Government on one hand and the States and political subdivisions on the other, an essential first and necessary step to solving Indian problems.

2. Basic premise is that Indian welfare is a Federal responsibility. Indians are located where they are as a result of Federal Government action and for this reason some States do not have an Indian problem. It is, therefore, unfair that certain States should be forced to assume large financial outlays for proper and necessary Indian services.

3. The Federal Government is not meeting its total responsibility in providing services for Indian people.

4. The States and political subdivisions in many instances have established facilities that can be made available on a nonprofit cost basis to the Federal Government to assist it in adequately and economically meeting its legal and moral responsibilities.

5. The Federal Government has failed to provide necessary services; therefore, the States and political subdivisions have, on the basis of humanitarianism, been forced to provide certain vital services to sustain minimum levels of health, education, and welfare for Indian people.

6. The policy of special privilege, crisis, and expediency as a necessary basis of negotiation in forcing the Federal Government to provide for the needs of Indian people is not conducive to the solution of Indian problems or to orderly intergovernmental State-Federal relationships.

7. There is no uniform, logical, or understandable Federal plan or pattern among the various States and even within States for providing such services to Indians, or for reimbursing States or political subdivisions for services provided by States or subdivisions.

8. There should be uniformity among the various States in the provision of services by the Federal Government, or in the full reimbursement to the States or political subdivisions for providing such services.

9. To correct existing discrimination between and within States and present deficiencies, it is manifestly necessary that the States take concerted action before the Congress and in securing uniform and equal administrative consideration from the Bureau of Indian Affairs.

10. Unless the existing deficiencies and practices are corrected the present discrimination against the Indian people and certain States will continue and our Indian citizens will be prevented from achieving their rightful place in our society.

ESTABLISHMENT OF FOUR SOIL AND WATER CONSERVATION LABORATORIES

Mr. THYE. Mr. President, I introduce, for appropriate reference, a bill to provide for additional research facilities in water and soil conservation.

We all know, Mr. President, that our Nation's soil represents the most valuable natural resource with which we have been blessed, and that not only the future welfare and strength of this country, but also the well-being of many thousands of the world's population in overpopulated regions depend on our recognizing the responsibility which we have toward protecting and further developing our soil resources.

Consider for a moment the great advances which have been made in the field of agriculture in the past few decades. We accept now as being commonplace the increased resistance of plants to insects and diseases, the improved quality of farm products and feed efficiency for all classes of livestock, and the greater adaptability of more crops over a wider range of conditions. All these progress signposts have been established through research.

Mr. President, I realize that the Senate is in the morning hour, and that would foreclose my speaking more than 2 minutes, but I have an explanation in connection with the bill that would take more time than that. I ask unanimous consent that I may proceed. It will take me only about 2 additional minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Minnesota may proceed.

Mr. THYE. Much has been done already toward improving methods for the protection of our soil and water resources by such means as strip cropping, terracing, and proper crop rotation practices, but much more is yet to be done. The Soil and Water Conservation Research Branch of the Agricultural Research Service conducts research in the field of soil chemistry, water, hydrology, fertilizers, and the effect on soils of various irrigation and dry-farming practices. Soil-management studies are carried out on major soils in the humid regions, and in the dryland areas with regard to broad problems of leaching, soil breakdown, and tendencies toward saline and alkaline development.

The headquarters for soil- and water-conservation research are located at Beltsville, Md. I want to emphasize, however, that research in soils and water should be conducted in areas with similar soils and soil problems. For that reason, and to facilitate the work of Research Service, I am proposing that funds be made available for the construction and operation of four research laboratories, each to be located in a major soil region of the Nation.

85TH CONGRESS
1ST SESSION

H. R. 5538

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 1957

Mr. ENGLE introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To provide that withdrawals, reservations, or restrictions of more than five thousand acres of public lands of the United States for certain purposes shall not become effective until approved by Act of Congress, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, notwithstanding any other provisions of law, except
4 in time of war or national emergency hereafter declared by
5 the President or the Congress, on and after the date of enact-
6 ment of this Act the provisions hereof shall apply to the
7 withdrawal and reservation for, restriction of, and utilization
8 by, the Department of Defense for defense purposes of the

1 public lands of the United States, including public lands in
2 the Territories of Alaska and Hawaii: *Provided*, That—

3 (1) for the purposes of this Act, the term “public
4 lands” shall be deemed to include, without limiting the
5 meaning thereof, Federal lands and waters of the Outer
6 Continental Shelf, as defined in section 2 of the Outer
7 Continental Shelf Lands Act (67 Stat. 462), and Fed-
8 eral lands and waters off the coast of the Territories of
9 Alaska and Hawaii;

10 (2) nothing in this Act shall be deemed to be
11 applicable to the withdrawal or reservation of public
12 lands specifically as naval petroleum, naval oil shale,
13 or naval coal reserves;

14 (3) nothing in this Act shall be deemed to be
15 applicable to the warning areas in the Federal lands and
16 waters of the Outer Continental Shelf and Federal lands
17 and waters off the coast of the Territory of Alaska set
18 aside by the military departments prior to the enact-
19 ment of the Outer Continental Shelf Lands Act (67
20 Stat. 462) ; and

21 (4) nothing in this Act shall be deemed to be
22 applicable to those reservations or withdrawals which
23 expired due to the ending of the unlimited national
24 emergency and which subsequent to such expiration

1 have been and are now used by the military depart-
2 ments with the concurrence of the Department of the
3 Interior.

4 SEC. 2. No public land, water, or land and water area
5 shall, except by Act of Congress, hereafter be (1) with-
6 drawn from settlement, location, sale, or entry for the use
7 of the Department of Defense for defense purposes; (2) re-
8 served for such use; or (3) restricted from operation of the
9 mineral leasing provisions of the Outer Continental Shelf
10 Lands Act (67 Stat. 462), if such withdrawal, reservation,
11 or restriction would result in the withdrawal, reservation, or
12 restriction of more than five thousand acres in the aggregate
13 for any one defense project or facility of the Department of
14 Defense since the date of enactment of this Act or since the
15 last previous Act of Congress which withdrew, reserved, or
16 restricted public land, water, or land and water area for
17 that project or facility, whichever is later.

18 SEC. 3. Any application hereafter filed for a withdrawal,
19 reservation, or restriction, the approval of which will, under
20 section 2 of this Act, require an Act of Congress, shall
21 specify—

22 (1) the name of the requesting agency and in-
23 tended using agency;

24 (2) location of the area involved, to include a de-

1 tailed description of the exterior boundaries and ex-
2 cepted areas, if any, within such proposed withdrawal,
3 reservation, or restriction;

4 (3) gross land and water acreage within the exte-
5 rior boundaries of the requested withdrawal, reservation,
6 or restriction, and net public land, water, or public land
7 and water acreage covered by the application;

8 (4) the purpose or purposes for which the area is
9 proposed to be withdrawn, reserved, or restricted, or
10 if the purpose or purposes are classified for national
11 security reasons, a statement to that effect;

12 (5) whether the proposed use will result in con-
13 tamination of any or all of the requested withdrawal,
14 reservation, or restriction area, and if so, whether such
15 contamination will be permanent or temporary;

16 (6) the period during which the proposed with-
17 drawal, reservation, or restriction will continue in effect;

18 (7) whether, and if so to what extent, the proposed
19 use will affect continuing full operation of the public land
20 laws and Federal regulations relating to conservation,
21 utilization, and development of mineral resources, timber
22 and other material resources, grazing resources, fish and
23 wildlife resources, water resources, and scenic, wilder-
24 ness, and recreation and other values; and

25 (8) if effecting the purpose for which the area is

1 proposed to be withdrawn, reserved, or restricted, will
2 involve the use of water in any State, whether, subject
3 to existing rights under law, the intended using agency
4 has acquired, or proposes to acquire, rights to the use
5 thereof in conformity with State laws and procedures
6 relating to the control, appropriation, use, and distribu-
7 tion of water.

8 SEC. 4. Chapter 159 of title 10, United States Code, is
9 amended as follows:

10 (1) By adding the following new section at the end:

11 “§ 2671. Military reservations and facilities: hunting, fish-
12 ing, and trapping

13 “(a) The Secretary of Defense shall, with respect to
14 each military installation or facility under the jurisdiction
15 of any military department in a State or Territory—

16 “(1) require that all hunting, fishing, and trapping
17 at that installation or facility be in accordance with
18 the fish and game laws of the State or Territory in
19 which it is located;

20 “(2) require that an appropriate license for hunt-
21 ing, fishing, or trapping on that installation or facility
22 be obtained, except that with respect to members of
23 the Armed Forces, such a license may be required only
24 if the State or Territory authorizes the issuance of a

1 license to a member on active duty for a period of more
2 than thirty days at an installation or facility within that
3 State or Territory, without regard to residence require-
4 ments, and upon terms otherwise not less favorable than
5 the terms upon which such a license is issued to resi-
6 dents of that State or Territory; and

7 “(3) develop, subject to safety requirements and
8 military security, and in cooperation with the Governor
9 (or his designee) of the State or Territory in which
10 the installation or facility is located, procedures under
11 which designated fish and game or conservation officials
12 of that State or Territory may, at such time and under
13 such conditions as may be agreed upon, have full access
14 to that installation or facility to effect measures for the
15 management, conservation, and harvesting of fish and
16 game resources.

17 “(b) The Secretary of Defense shall prescribe regu-
18 lations to carry out this section.

19 “(c) Whoever is guilty of an act or omission which
20 violates a requirement prescribed under subsection (a) (1)
21 or (2), which act or omission would be punishable if com-
22 mitted or omitted within the jurisdiction of the State or
23 Territory in which the installation or facility is located, by
24 the laws thereof in effect at the time of that act or omission,
25 is guilty of a like offense and is subject to a like punishment.

1 “(d) This section does not modify any rights granted by
 2 treaty or otherwise to any Indian tribe or to the members
 3 thereof.”

4 (2) By adding the following new item at the end of the
 5 analysis:

“2671. Military reservations and facilities: hunting, fishing, and trapping.”

6 SEC. 5. The Federal Property and Administrative Serv-
 7 ices Act of 1949 (63 Stat. 377), as amended, is hereby
 8 further amended by revising section 3 (d) to read as
 9 follows:

10 “(d) The term ‘property’ means any interest in prop-
 11 erty except (1) the public domain; lands reserved or dedi-
 12 cated for national forest or national park purposes; min-
 13 erals in lands or portions of lands withdrawn or reserved
 14 from the public domain which the Secretary of the Interior
 15 determines are suitable for disposition under the public land
 16 mining and mineral leasing laws; and lands withdrawn or
 17 reserved from the public domain except lands or portions of
 18 lands so withdrawn or reserved which the Secretary of the
 19 Interior, with the concurrence of the Administrator, deter-
 20 mines are not suitable for return to the public domain for
 21 disposition under the general public-land laws because such
 22 lands are substantially changed in character by improve-
 23 ments or otherwise; (2) naval vessels of the following

1 categories: Battleships, cruisers, aircraft carriers, destroyers,
2 and submarines; and (3) records of the Federal Govern-
3 ment.”

4 SEC. 6. All withdrawals or reservations of public lands
5 for the use of any agency of the Department of Defense,
6 except lands withdrawn or reserved specifically as naval pe-
7 troleum, naval oil shale, or naval coal reserves, heretofore or
8 hereafter made by the United States, shall be deemed to be
9 subject to the condition that all minerals, including oil and
10 gas, in the lands so withdrawn or reserved are under the
11 jurisdiction of the Secretary of the Interior and there shall be
12 no disposition of, or exploration for, any minerals in such
13 lands except under the applicable public land mining and
14 mineral leasing laws: *Provided*, That no disposition of, or
15 exploration for, any minerals in such lands shall be made
16 where the Secretaries of Defense and Interior determine that
17 such disposition or exploration is inconsistent with the mili-
18 tary use of the lands so withdrawn or reserved.

A BILL

To provide that withdrawals, reservations, or restrictions of more than five thousand acres of public lands of the United States for certain purposes shall not become effective until approved by Act of Congress, and for other purposes.

By Mr. ENGLE

MARCH 4, 1957

Referred to the Committee on Interior and Insular
Affairs

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued March 22, 1957
For actions of March 21, 1957
85th-1st, No. 49

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HIGHLIGHTS: Senate committee ordered reported compulsory poultry inspection bill. Gen. Schoeppel inserted Butz' testimony on operation of Public Law 480. House committee reported bill to continue Federal administration of ACP. House committee reported on Administration plan to improve congressional control of budget. House committee reported Labor-HEW appropriation bill. House committee ordered reported marketing facilities loan bill. (Cont'd page 7).

HOUSE

1. SOIL CONSERVATION. The Agriculture Committee reported with amendment H.R. 1045, to continue Federal administration of the ACP (H. Rept. 214). p. 3705
2. BUDGETING. The Appropriations Committee reported on the administration plan to improve congressional control of the budget (H. Rept. 216). p. 3705
At the end of this Digest is a summary of the report.
3. MARKETING FACILITIES. The Agriculture Committee ordered reported with amendment H.R. 4504, to encourage the improvement and development of marketing facilities for handling perishable agricultural commodities. p. D228
4. INSECT CONTROL. The Research and Extension Subcommittee of the Agriculture Committee ordered reported with amendment to the full committee H.R. 3476, to facilitate the regulation, control, and eradication of plant pests. p. D228
5. PUBLIC LANDS. The Interior and Insular Affairs Committee reported without amendment H.R. 5538, to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the U.S. for military purposes shall not become effective until approved by Act of Congress (H. Rept 215). p. 3705

6. APPROPRIATIONS. The Appropriations Committee reported without amendment H.R. 6287, the Departments of Labor and HEW appropriation bill for 1958 (H. Rept. 217). p. 3705
7. POULTRY INSPECTION. Rep. Dixon expressed satisfaction with the general agreement of witnesses before the Agriculture Committee that compulsory poultry inspection should be administered by this Department, expressed hope for early enactment of this legislation. pp. 3703-04
8. CORN. Rep. Coad requested support of petition to the Secretary to support corn in the commercial corn area at \$1.60 per bushel. p. 3675
9. FOREIGN TRADE. Rep. Lane criticized the lowering of tariff rates on products entering this country in competition with our products. p. 3675
Rep. Bailey criticized the proposed reductions in certain tariff rates to "compensate the United Kingdom and Belgium for the tariff-increase on linen toweling". pp. 3696-97
The Banking and Currency Committee ordered reported H.R. 4136, to extend the period within which the Export-Import Bank may make loans. p. D228
10. REPORTS. This office has received the annual report of the Secretary of the Treasury (H. Doc. 3).
11. RECLAMATION. Agreed to a resolution providing for consideration of H.R. 2146, to amend the Small Reclamation Projects Act so as to retain congressional oversight of the small projects program. p. 3679
12. PAPERWORK MANAGEMENT. Rep. Hays commended Secretary of Defense Wilson's announced elimination of unnecessary reports and the reduction in volume of paperwork, and urged further reductions in Government paperwork. p. 3695
13. ELECTRIFICATION. The Government Operations Committee submitted a report pertaining to private electric utilities organized efforts to influence the Secretary of the Interior (H. Rept. 213). p. 3705
14. WHEAT. Received a Mich. Legislature resolution protesting the proposed revision of official standards for wheat promulgated under the U. S. Grain Standards Act. p. 3706
15. ADJOURNED until Mon., Mar. 25. p. 3705

SENATE

16. POULTRY INSPECTION. Agriculture and Forestry Committee ordered reported a clean bill (in lieu of S. 313, 645, and 1128) to provide compulsory inspection of poultry and poultry products. p. D226
17. PROPERTY; RESEARCH. Agriculture and Forestry Committee ordered reported without amendment, S. 1034, to convey certain research property to the Univ. of Mo. p. D226
18. INSECT CONTROL. The Agriculture and Forestry Committee ordered reported without amendment S. 1442, to aid in the control of plant pests. p. D226
19. FORESTS. The Agriculture and Forestry Committee ordered reported with amendments S. 44, to authorize this Department to exchange certain lands in the Apache National Forest, N. Mex. p. D226

MILITARY PUBLIC LAND WITHDRAWALS

REPORT

OF THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS HOUSE OF REPRESENTATIVES

TO ACCOMPANY

H. R. 5538

A BILL TO PROVIDE THAT WITHDRAWALS, RESERVATIONS, OR RESTRICTIONS OF MORE THAN 5,000 ACRES OF PUBLIC LANDS OF THE UNITED STATES FOR CERTAIN PURPOSES SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY ACT OF CONGRESS, AND FOR OTHER PURPOSES



MARCH 21, 1957.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

UNITED STATES
GOVERNMENT PRINTING OFFICE

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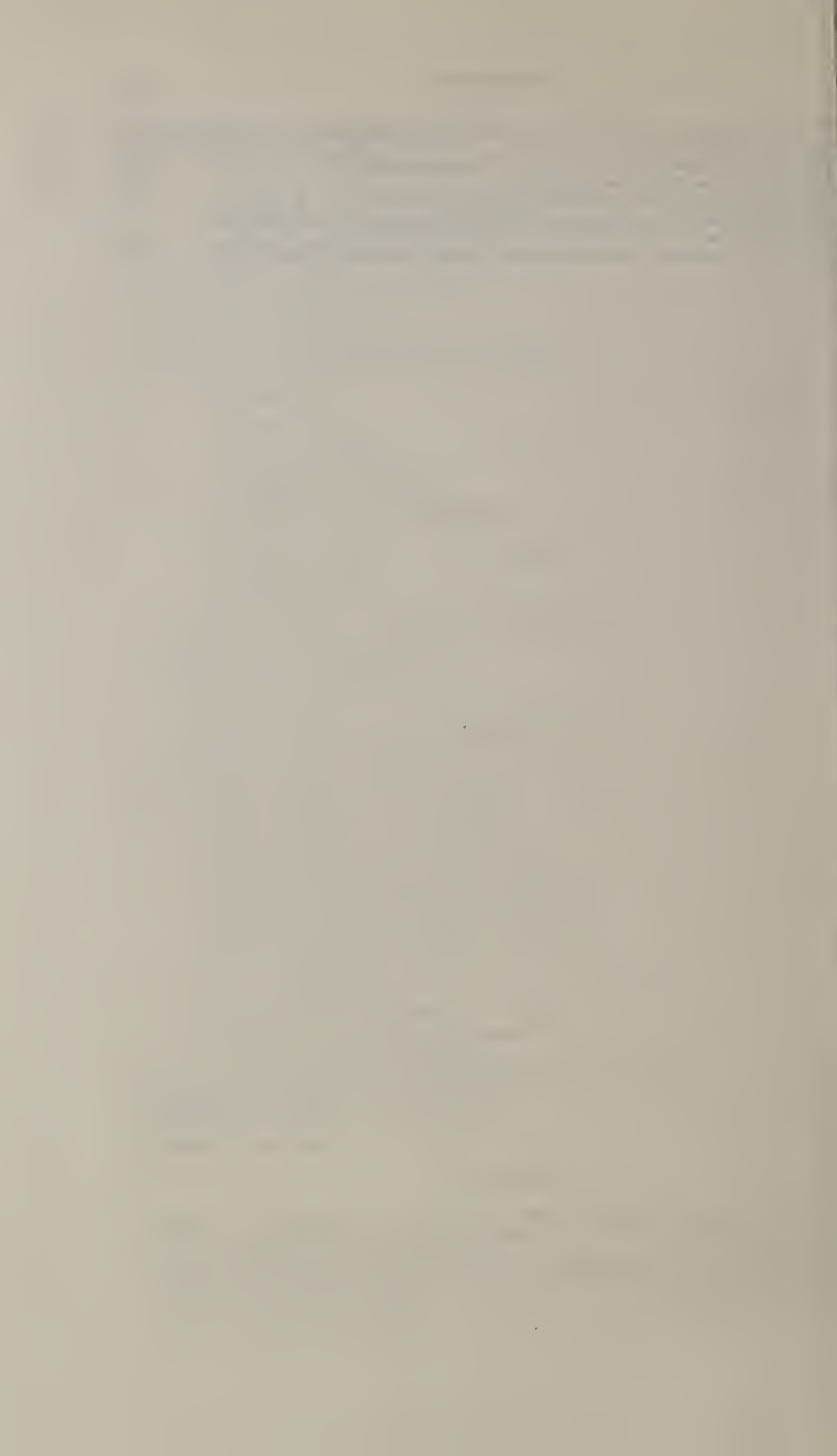
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(Reported without amendment)

85TH CONGRESS <i>1st Session</i>	} HOUSE OF REPRESENTATIVES {	REPORT No. 215
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PROVIDING THAT WITHDRAWALS, RESERVATIONS, OR RESTRICTIONS OF MORE THAN 5,000 ACRES OF PUBLIC LANDS OF THE UNITED STATES FOR CERTAIN PURPOSES SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY ACT OF CONGRESS, AND FOR OTHER PURPOSES

MARCH 21, 1957.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ENGLE, from the Committee on Interior and Insular Affairs, submitted the following

R E P O R T

[To accompany H. R. 5538]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 5538) to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

LEGISLATION CONSIDERED

H. R. 5538, the reported measure, is a clean bill introduced by Representative Engle, of California, after consideration by the committee of H. R. 627, also introduced by Mr. Engle, together with nine other bills having an identical purpose. The others: H. R. 608, by Representative Dawson, of Utah; H. R. 931, by Representative Saylor, of Pennsylvania; H. R. 1148, by Representative Johnson, of Wisconsin; H. R. 3403, by Representative Metcalf, of Montana; H. R. 3661, by Representative Thomson of Wyoming; H. R. 3788, by Representative Udall, of Arizona; H. R. 3799, by Representative Baring, of Nevada; H. R. 3860, by Representative Pfost, of Idaho; and H. R. 5739, by Representative Dixon, of Utah. Also considered was H. R. 575, by Representative Budge, of Idaho, a bill to provide that public lands of the United States shall not be withdrawn or reserved for defense purposes except by act of Congress.

PURPOSE OF H. R. 5538

H. R. 5538 deals with defense agency acquisition and use of the public lands and associated resources of the United States for defense purposes. The broad purpose and objective of the bill is to return from the executive branch to the Congress—to the extent that such lands are involved—the responsibility imposed by the Constitution on the Congress for their management.

Specifically, the reported measure deals with the withdrawal and reservation for, restriction of, and utilization by the Department of Defense for defense purposes of the public lands of the United States and Alaska and Hawaii, the outer Continental Shelf lands of the United States, and Federal lands and waters off the coasts of Alaska and Hawaii. If the reported bill is enacted, such proposed uses by agencies of the Department of Defense involving more than 5,000 acres for any one project or facility could only be effectuated—notwithstanding any other provisions of law, except in time of war or national emergency hereafter declared by the President or the Congress—after compliance with its terms, and after approval of such proposals by specific act of Congress.

H. R. 5538, in addition, would set out clear-cut statutory requirements for the utilization and disposition of certain of the resources found within existing and future military installations and facilities so as to assure highest and best management, conservation, utilization, and development thereof on a continuing basis. To achieve these objectives—

First, the bill would lay a more adequate base for fully determining at the local level and for congressional consideration the resource impact of proposed withdrawals;

Second, H. R. 5538, if enacted, would substantially reduce the areas of present and continuing conflict between State and Territorial officials and the commanding officers of military installations and facilities involving the management, conservation, and harvesting of fish and game resources, and the enforcement of fish and game laws within military installations and facilities;

Third, the bill would amend in two particulars the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, so as to clarify operations thereunder involving the disposition of the mineral estate in withdrawn or reserved public domain lands, and to redefine the responsibility of the Secretary of the Interior with respect to disposition of public lands withdrawn or reserved and subsequently declared excess to the needs of Federal agencies; and

Fourth, the bill's provisions would remove whatever doubts may exist, if any, as to the laws which govern the disposal of and exploration for any and all minerals, including oil and gas, in public lands of the United States heretofore or hereafter withdrawn or reserved by the United States for the use of Defense agencies.

Defense withdrawal application procedure

The first of these objectives would be accomplished by continuing in effect—but by redefining the requirements therein—the present procedure whereby the requesting defense agency files an application with the appropriate land office of the Bureau of Land Management, Department of the Interior, for withdrawal, restriction, or reservation of

a specified area. Such applications for use of areas embraced within the terms of the bill will hereafter be required to specify: The name of the requesting and intended using agency; the location and gross and net acreage involved; purpose or purposes of the withdrawal, restriction, or reservation; whether contamination will result from the proposed use or uses; use period; effect of use on continuing full operation of the public land laws, and full resources utilization, management, and development; and the relationship of the proposed use to laws and procedures of the States of the reclamation West relating to the control, appropriation, use, and distribution of water.

Local hunting and fishing laws made applicable

To accomplish the second objective, with respect to any military installation or facility, the bill would require that hunting, trapping, and fishing thereon be in accordance with the fish and game laws of the State or Territory in which such areas are located; and that State or Territorial licenses be obtained for hunting, trapping, and fishing thereon if local law authorizes their issuance to Armed Forces members on bona fide military duty for more than 30 days at any installation within the State or Territory involved, without regard to residence requirements, and upon terms no less favorable than those upon which such a license is issued to residents.

Further, the bill would mandate the Secretary of Defense, in cooperation with the appropriate governor or his designee and subject to safety and military-security requirements, to develop procedures whereby State or Territorial fish and game or conservation officials may have full access thereto to effect measures for the management, conservation, and harvesting of fish and game resources.

By the terms of the bill, violations of the State and Territorial fish and game laws made applicable to military installations and facilities are made violations of Federal law, and subject to like punishment as though committed or omitted within the State or Territorial jurisdiction.

The bill specifically recites that rights granted by treaty or otherwise to any Indian tribe or members thereof are not modified by the provisions dealing with fishing, trapping, and hunting.

Disposition of surplus defense lands

The third objective would be accomplished by amending the amended Federal Property and Administrative Services Act of 1949 to make it clear that minerals in withdrawn or reserved public domain lands which the Secretary of the Interior determines are suitable for disposition under the public-land mining and mineral leasing laws are excepted from the real property disposition provisions of the amended 1949 act; similarly, only those withdrawn or reserved public domain lands excess to the needs of Federal agencies found by the Secretary—with the concurrence of the Administrator of General Services—not suitable for restoration to public land status, by virtue of their having been substantially changed in character by improvements, would hereafter be subject to the real property disposition provisions of the amended 1949 act.

Mineral resources in defense lands

Finally, the reported bill would accomplish the fourth objective by declaring that all minerals in withdrawn or reserved public lands

except lands withdrawn or reserved specifically as naval petroleum, naval oil shale, or naval coal reserves—are under the jurisdiction of the Secretary of the Interior, and that no disposition thereof, or exploration therefor, shall be made except under

* * * the applicable public-land mining and mineral leasing laws.

BACKGROUND OF THE LEGISLATION

As set out above, H. R. 5538 and related bills have as their fundamental purpose and objective returning to the Congress a greater degree of the direct exercise of the responsibility fixed by the Federal Constitution in the legislative branch for effecting policies and procedures governing the utilization of the public lands and other property of the United States.

Put another way, H. R. 5538 deals with the power to withdraw, reserve, or restrict the public lands and other property of the United States from settlement, entry, location, and sale. Subject only to the limits of its own provisions, and notwithstanding other provisions of law, it is a bill for the recapture by the Congress of those powers which the executive branch of the Government has acquired, over a long period of years, through acquiescence or silence on the part of Congress.

Through statutory enactment, executive and administrative action, and judicial interpretation, the special body of laws by which the Congress has undertaken to carry out its responsibility under the Constitution, the law governing public lands is known as the "public-land law." At the outset, it therefore appears that a brief reference to the statistics and nomenclature of public-land matters generally, and public-land law particularly, will serve to lay a base for understanding of the background, objectives, and effect of the reported legislation.

Area of the 48 United States: Lands disposition

The 48 United States embrace a land and inland water area totaling 1,934,327,680 acres, or 3,022,387 square miles. In the series of international agreements and treaties which established the boundaries of the United States, the Federal Government acquired title to all the land outside the original 13 States and Texas—the area of those 14 States totaling 463,094,400 acres; thus the balance, commonly referred to as the "area of the original public domain" totaled 1.4 billion acres.

Since the earliest days of the Republic, title to approximately 1 billion acres of original public domain has passed from the United States. This change from Federal to non-Federal ownership has included, chronologically—

- (1) sale of land to help meet the expenses of the Government in the early days of the Republic;
- (2) land granted as bounty for military service, for public improvements such as canals, railroads, and highways, and for the benefit of schools, colleges, and other public institutions in the various States;
- (3) the policy—following the Civil War—of effecting disposition through homesteading and land settlement, thus permitting expansion of the Union westward to the Pacific, until the
- (4) present era of conservation, utilization and development of public land resources of the more than 358 million acres of

remaining original public domain and the nearly 50 million acres of "acquired" lands, i. e., federally owned land in the United States acquired by purchase, donation, transfer, or other methods.

Area of Alaska: Lands disposition

The Territory of Alaska embraces a land and inland water area totaling 375,296,000 acres. Of the 365,481,600 acres of total land area, about 99.9 percent, or 365,062,391 acres are federally owned, according to the most recent figures published by the Bureau of Land Management.

While Alaska, acquired in 1867, has in theory enjoyed the benefits of both the "disposition" and "management" policy phases referred to under the previous heading, this committee has in other reports observed that in actual practice Congress has emphasized almost exclusively the latter policy, since Federal title has passed with respect to only 400,000 plus acres.

Public lands, or public domain lands

In their general sense the terms "public lands" and "public domain lands" are defined as—

Original public domain lands which have never left Federal ownership; also, lands in Federal ownership which were obtained by the Government in exchange for public lands or for timber on such lands; also, original public domain lands which have reverted to Federal ownership through operation of the public-land laws (source: Department of the Interior, Bureau of Land Management, Glossary of Public-Land Terms (1949)).

In its technical, legal, or statutory sense, however, the term "public lands" by itself—employed interchangeably with the term "public domain lands"—is today used to embrace vacant, unappropriated, unreserved Federal real property; i. e., lands open to the public lands laws relating to settlement, entry, location, and sale, and authorizing entry for mining, mineral leasing, timber and other materials removal, local public purposes, recreation, homesteading, etc. Such lands are administered by the Bureau of Land Management, Department of the Interior.

"Public lands" as a term by itself should also be distinguished from the term "reserved public lands" or "withdrawn public lands." All are public lands, all are public domain; the former generally refers to unreserved public lands, while the latter two terms refer to areas described as "Federal reservations."

Federal reservations

Two categories of federally owned real property may be said to fall within the term "reservations."

Original public domain lands—lands to which title has been in the United States since acquisition—and withdrawn to a greater or lesser degree from the general operation of the public-land laws relating to settlement, entry, location, and sale, are "Federal reservations." So, too, are lands acquired or reacquired by the United States by purchase, condemnation, or by exchange for such purchases condemned, or donated lands or for interests in or on such lands, and held for a specific public purpose.

The term "withdraw" is used interchangeably with the term "reserve" to describe the statutory or administrative action which restricts or segregates a designated area of Federal real property from the full operation of the public-land laws relating to settlement, entry, location, and sales, which action holds them for a specific—and usually limited—public purpose.

Examples of reservations include: national forest reserve lands; national parks, monuments, and other units of the national park system; fish and wildlife refuges; petroleum, oil shale, coal, and other mineral reserves; recreation and wilderness areas; reclamation and power withdrawals or reservations; military reservations, and similar areas, all of which are held by some Federal agency for specified public purposes, and all of which may be created wholly from reserved original public-domain lands, wholly from acquired or reacquired lands, or from portions of both. Other examples of Federal reservations, frequently created wholly from acquired lands, are post-office sites, weather stations, immigration and customs facilities, lighthouses, Federal courthouse sites, and the like.

Federally owned lands, as distinguished from reserved public lands on Federal reservations, then, are commonly referred to today—as they are in the reported bill and this report—as "public lands" or "public domain lands."

Airspace reservations, inland and overwater

The committee, as background for findings and recommendations which follow, wishes to refer to one additional procedure directly relating to the use and development of surface and subsurface resources within areas over which Federal sovereignty is exercised.

Federally owned real property has been categorized above as "reserved public lands" (also known as "Federal reservations") or as "public lands" (also "public domain lands"). Basically, both categories relate to horizontal use classification, i. e., when so labeled, indication is given as to whether general use of the surface and subsurface resources is permitted, or limited use.

For the past 30 years, progressively increased attention has been directed to matters involving use, in interstate commerce, of airspace over both Federal and non-Federal lands and waters; to the extent that airspace use may be either general or limited, it may be said that what is involved is vertical use classification.

By congressional statutory enactment "airspace reservation" has been defined to mean—

* * * airspace, identified by an area on the surface of the earth, in which the flight of aircraft is prohibited or restricted * * *;

similarly, "aircraft" has been statutorily defined to mean—

* * * any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air * * *.

(See the act of June 23, 1938, cited at 52 Stat. 977-978; 49 U. S. C. 401.)

Primarily by reason of military requirements—and in limited instances by reason of security requirements—substantial acreages of land, both inland and offshore, are today overlayed with airspace reservations which the responsible Federal agency, the Civil Aeronautics Administration, variously denominates "restricted," "caution," "warn-

ing," "prohibited," or "controlled firing" areas. When an agency subject to existing statutory and regulatory requirements proposes to use airspace for activities such as aircraft, ballistics, missiles, or weapons testing or training activities—or for such less space-consuming activity as launching of anchored balloons used in gathering weather data—and the proposed activity offers potential hazards to air navigation, several steps are involved.

Consideration of the proposal will normally first lie before one of the several regional airspace subcommittees, at which level opportunity is afforded for notice to other interested agencies and for hearings. Centralized consideration of the field proposal is thereafter had by the Washington Airspace Panel and the Air Coordinating Committee en route to final processing by the CAA.

Designation of an airspace restricted area overland by the CAA is accompanied by promulgation and publication of the fact of designation. The areas so limited are charted on appropriate air and surface navigation charts and maps, and permission must be obtained from the controlling agency before entry of the airspace is effected.

Prohibited areas, designated by Executive order of the President, where national security is involved, are airspace areas closed to any and all aircraft entry.

Existence of overwater warning areas seaward of the territorial waters of the United States, on the other hand, operates only to put air or surface users in the vicinity on notice that hazards to navigation may be present, and has the effect of alerting the user to proceed with caution.

As will presently be shown, existing procedures providing for the designation of restricted areas by reason of military airspace use may have the effect of closing to resource development the surface and subsurface underlying the requesting airspace.

Scope of the reported bill, H. R. 5538

Having in mind the foregoing, there emerges this statistical picture, revised from 1956 to reflect current compilations—

- (1) The United States owns approximately 772 million acres of real property today, of which some 407 million acres are located within the 48 States, 365 million acres in Alaska.

- (2) Within the foregoing definitions, approximately 365 million acres of federally owned real property are denominated "Federal reservations," 275 million acres in the 48 States, 90 million acres in Alaska.

- (3) The public lands of the United States open to settlement, entry, location, and sale under the public-land laws therefore total approximately 440 million acres, of which only 170 million acres are located in the 48 States, 270 million acres are located in Alaska.

H. R. 5538 generally deals with the power of the Executive to withdraw, reserve, or restrict, for Defense purposes, the remaining 170 million acres of public lands—as herein defined—in the 48 States, the remaining 270 million acres in Alaska, and the public lands in Hawaii. As indicated earlier, H. R. 5538 would also directly affect utilization and disposition of the surface estate, surface resources, and mineral estate of substantial areas of public land reserved or withdrawn areas,

as well as outer Continental Shelf lands and lands and waters off the coasts of Alaska and Hawaii.

It is against this background that the policy questions raised by H. R. 5538 must be considered. So that there may be retained in the 85th Congress in a single document as a part of the legislative history of the reported bill, the committee is again including some of the material contained in House Report No. 2856 of the 84th Congress, 2d session, to accompany H. R. 12185, the predecessor legislation to the bill herewith reported.

FEDERAL PROPERTY AND THE CONSTITUTION

The committee here reiterates that H. R. 5538 is a bill for the recapture by the Congress of those powers which the executive branch of the Government has acquired over a long period of years with respect to the withdrawal of the public lands from settlement, entry, location, and sale under the public land laws—an Executive power acquired through acquiescence or silence on the part of the Congress.

That Congress has the final authority for the making of public land withdrawals or reservations cannot be doubted. The Federal Constitution and decisions of the Supreme Court make this point amply clear.

The property clause

Article IV, section 3, clause 2, of the Constitution declares that—

The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States; * * *

It will be noted that the grant of this power—the fixing of it in the Congress—is without qualification or exception. As will presently be shown, the decisions of the Supreme Court of the United States construing this constitutional provision establish two fundamental principles germane to any discussion of the pending legislation: First, that the power of Congress over the use and disposition of Federal property is without limitation; second, that Congress may—expressly or by implication—grant powers to the Executive to act for the Congress in precisely the same way that an owner might grant powers to an agent.

Supreme Court decisions and the General Withdrawal Act of 1910.

As recently as March 15, 1954, the Supreme Court of the United States had occasion to refer to the decisions of the past involving the property clause. In the case of *Alabama v. Texas et al.* (347 U. S. 272), an original action decided together with *Rhode Island v. Louisiana et al.*, the Court had under consideration motions of the States of Alabama and Rhode Island for leave to file complaints challenging the constitutionality of the Submerged Lands Act of 1953 (67 Stat. 29).

The Court, in its per curiam opinion denying the motions, bases its conclusion that the 1953 act is constitutional on the language in article IV, section 3, clause 2, of the Constitution. The extracts from the earlier decisions relied upon in this recent case are pertinent here:

The power of Congress to dispose of any kind of property belonging to the United States is vested in Congress without limitation (*United States v. Gratiot*, 14 Pet. 526, 537).

For it must be borne in mind that Congress not only has a legislative power over the public domain, but it also exercises the powers of the proprietor therein. Congress "may deal with such lands precisely as a private individual may deal with his farming property. It may sell or withhold them from sale" (cases cited) (*United States v. Midwest Oil Company*, 326 U. S. 459, 474).

* * * The power over the public lands thus entrusted to Congress is without limitations. "And it is not for the courts to say how that trust shall be determined" (*United States v. San Francisco*, 310 U. S. 16, 29-30).

We have said that the constitutional power of Congress [under art. IV, sec. 3, clause 2] is without limitation * * * (*United States v. California*, 332 U. S. 19, 27).

The foregoing should serve to sustain the assertion that Congress has unlimited power respecting the use and disposition of Federal property.

The decision in the *Midwest Oil* case, *supra*, as will presently be shown, also forms the basis for an assertion by the Executive that Congress by implication prior to 1910, and expressly thereafter, had granted to the Executive the power to act for the Congress in certain matters respecting the use of Federal property.

The act of June 25, 1910 (36 Stat. 247; 43 U. S. C. 141-143), as amended, referred to as the General Withdrawal Act, reads in pertinent part as follows:

That the President may, at any time, in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States including the District of Alaska and reserve the same for waterpower sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by an act of Congress.

SEC. 2. That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same shall apply to metalliferous mineral * * *.

Basis for "implied power" assertion

The *Midwest Oil Co.* case involved a withdrawal order made prior to the passage of the 1910 act. In that opinion, with respect to pre-1910 Executive actions, the Court said the power exercised by the Executive arose through a long-continued practice acquiesced in by the Congress; at the same time, the Court recognized congressional control (236 U. S. 459, 471, 474-475), but pointed out that:

The Executive, as agent, was in charge of the public domain; by a multitude of orders, extending over a long period of time and affecting vast bodies of land in many States and Territories, he withdrew large areas in the public interest. These orders were known to the Congress, as principal, and in not a single instance was the act of the agent disapproved.

Its acquiescence all the more readily operated as an implied grant of power in view of the fact that its exercise was not only useful to the public but did not interfere with the vested right of the citizen.

Thus was born the oft-quoted syllabus point from the Midwest opinion (236 U. S. 459, 460) which declares:

Silence of Congress after consideration of a practice by the Executive may be equivalent to acquiescence and consent that the practice be continued until the power is revoked.

So much for the implied power in the Executive prior to the General Withdrawal Act of 1910.

Basis for "express power" assertion

In the wake of congressional enactment of the 1910 act empowering the President to make temporary withdrawals of the public lands, controversy arose as to whether the legislative authority for effecting temporary withdrawals was, in effect, a limitation upon the general power of the Chief Executive to make withdrawals of the public domain.

The then Attorney General, Robert H. Jackson, in a letter to Secretary of the Interior Harold Ickes on June 4, 1941, expressed the belief that, since the President was possessed of the power to make permanent reservations and temporary withdrawals of the public lands prior to the enactment of June 25, 1910, the Withdrawal Act of that date should be construed as affirming rather than limiting the authority of the President to make withdrawals of the public domain.

Thus, the basis for the assertion of express power in the Executive was created—through the Midwest decision and Jackson letter—to the satisfaction of the agencies of the executive interested in withdrawal and reservation of public domain lands. In hearings last year before the House Committee on Interior and Insular Affairs prior to development of the reported measure, Defense Department witnesses on several occasions, as well as witness for the Department of the Interior, affirmed that the basis for the assertion today of express power to make permanent withdrawals—as distinguished from temporary withdrawals authorized by the 1910 act—is the 1941 letter of the Attorney General, as supported by the Supreme Court in the Midwest Oil decision.

It would seem pertinent at this point to observe that Congress—applying the Midwest Oil yardstick—has perhaps, since 1941 remained silent, and has therefor indulged in a practice—

* * * equivalent to acquiescence and consent that the practice be continued until the power exercised is revoked.

H. R. 5538 is specifically aimed at breaking that silence—if silence it be—with respect to the Federal property embraced by its terms, and for the reasons hereinafter set out, and to that extent signaling an end to the implied consent by direct congressional enactment limiting the power exercised.

Bases for current withdrawals

Having in mind the foregoing, and considering statutory enactments presently in effect, it may be ascertained in summary that withdrawals today are made under four major bases of authority:

(1) The first of these is the implied authority of the Executive. It has been the practice since the early days of the Republic, as the necessities of the public service required, for the President to withdraw public lands from the operation of the public land laws and to reserve them for specific purposes.

This practice, it is argued, continued over the years with the knowledge—and without the disapproval—of the Congress, and was recognized in the Midwest Oil case, *supra*, which enunciated the principle that by such use of the power of withdrawal a grant of authority to the Executive was implied.

This broad, implied authority was delegated to, and presently vests in, the Secretary of the Interior as a result of a series of Executive orders: by Executive Order No. 9146, of April 24, 1942, and Executive Order No. 9337 of April 24, 1943, and lastly, by Executive Order No. 10355 of May 26, 1952. The latter order removed the necessity—according to Interior Department testimony—theretofore existing that withdrawal orders be cleared through the Attorney General and the Bureau of the Budget, and specified that all withdrawals made under its authority should be designated as “public land orders.”

(2) The second basis for current withdrawals is the act of June 25, 1910, *supra*. It is pointed out that while withdrawals under the General Withdrawal Act of 1910 are termed “temporary,” the act specified that they shall remain in force until revoked by the President or by an act of Congress; further that such lands remain at all times open to location under the mining laws as the same apply to metal-liferous minerals.

(3) The third category includes withdrawals made under various acts establishing particular fields of activity, relating to the responsibility of the several Executive agencies. Better known examples in this category include: the amended act of March 3, 1891 (26 Stat. 1103; 46 U. S. C. 471), authorizing the President to reserve lands as national forests; section 3 of the Reclamation Act of June 17, 1902, as amended (39 Stat. 865; 43 U. S. C. 416), authorizing the Secretary of the Interior to withdraw lands for reclamation purposes; the act of June 8, 1906 (34 Stat. 225; 16 U. S. C. 431–433), authorizing the President to reserve objects of historic interest on the public lands as national monuments; the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, providing for the reservation of public lands included in any proposed waterpower project; the act of March 10, 1934 (48 Stat. 400; 16 U. S. C. 694), authorizing the President to establish by proclamation lands in national forests as fish and game sanctuaries; the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269; 43 U. S. C. 315), as amended, providing for the withdrawal of lands upon publication of notice of intent to include them in a grazing district; and, more recently, the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 469; U. S. C. 1341).

(4) Finally, the fourth category involves special acts of Congress designating specific areas to be withdrawn for a specific purpose, e. g., acts establishing the several national parks embracing public lands, acts authorizing establishment of naval petroleum reserves, etc.

It is the first of these bases of authority—the implied authority of the Executive to make withdrawals of the public lands—which the provisions of H. R. 5538 would modify. Specifically, it is under authority of Executive Order No. 10355 that withdrawals by public land order for the Department of Defense are promulgated, and it

is the exercise of this authority with which H. R. 5538 particularly deals.

THE PUBLIC LANDS AND RESOURCES

The House Committee on Interior and Insular Affairs is charged with legislative responsibility for all matters relating to public lands of the United States, and under the provisions of the Legislative Reorganization Act, is responsible for maintaining continuing oversight of public land law administration. Further, House Resolution 94, 85th Congress, 1st session, specifically authorizes the committee to investigate and study—

* * * the administration of the public lands administered by the Bureau of Land Management.

Recent years, particularly since the end of World War II, have seen a sharp upturn in demands—both from public and private sources—for fuller utilization and development of all of the resources of the public domain: Mineral resources; timber and other material resources; grazing resources; fish and wildlife resources; water resources; scenic, wilderness, recreation, and related values, as well as the land itself as a space or “elbowroom” resource.

The public demand

Two examples will serve to illustrate the basis for the assertion that demands for public land and public land resource uses by the public at large are at an unprecedented peak, as is the demand for use of public lands reserved areas.

Minerals: While the search for uranium, and other source materials, has unquestionably multiplied many times over the pre-World War II annual rate of locations for mineral entry made on the public lands, accurate figures are not available since no centralized Federal record is kept of such locations. Mineral Leasing Act filings—covering oil, gas, oil shale, coal, phosphate, sodium, and potash—are indicative of the trend. Between the date of enactment on February 25, 1920, of the Mineral Leasing Act, and June 30, 1952, filings under the act totaled 209,000. In 3 years thereafter, a total of 101,000-plus filings were made. This means that filings for the period 1920–52 were at a rate of 6,300 plus a year, that for the period 1953–55, filings have been at a rate of 33,600 plus a year—an increase of 500 percent.

Parks and recreation: National Park Service figures indicate that tourist visits to units of the national park system have jumped from an annual visitor rate of 21.7 million in 1946 to approximately 50 million in 1955.

Comparable figures for other resource uses also show substantially increased postwar demands.

The congressional response

To meet these demands for expanded multiple resource use of the public lands, the committee has initiated in the past few years, and Congress has enacted, several landmark pieces of legislation.

In the 83d Congress: Public Law 387 (68 Stat. 173), amending the Recreation Act of 1926 so as to permit nonprofit organizations and governmental subdivisions to lease or purchase public domain lands for public purposes; Public Law 390 (68 Stat. 239), extending the leasing provisions of the Small Tract Act of 1938 to unsurveyed lands, and broadening permissible public uses; Public Law 585 (68

Stat. 708), making compatible for the first time mining and mineral leasing on the same public lands; and Public Law 771 (68 Stat. 1146), authorizing governmental subdivisions or other public agencies to obtain special use permits for certain public purposes.

In the 84th Congress: Public Law 76 (69 Stat. 138), amending the Desert Land Entry Act of 1877; Public Law 167 (69 Stat. 367), the Multiple Surface Use Act, perhaps the most significant change in the mining laws of the United States since 1872; Public Law 357 (69 Stat. 679), permitting mineral-resource development on power withdrawals or reservations; and Public Law 359 (69 Stat. 681), involving development of source materials on certain public coal lands.

During the past several years, there has developed an increasing concern, particularly throughout our public land States, over the continued expansion of single-purpose or limited-purpose reservations through withdrawal of public-land areas. With the exception, perhaps, of reservations created for management purposes by some Federal agency under a specific act of Congress having that objective, the Defense Department has been, and is, the Nation's principal consumer of land for limited-purpose utilization.

As will presently be shown, the spiraling demand by the military for multimillion acre training, gunnery, rocketry, and bombing ranges, and for the testing of missiles and pilotless aircraft had—in mid-1955, in the view of the committee—reached a point where a detailed re-examination of the policies and procedures for managing areas held, and justifying additional holdings, was clearly indicated.

DEFENSE LAND HOLDINGS: 1937-56; PENDING REQUESTS, PROCEDURES

In 1937, the land acreage owned or controlled by defense agencies totaled—including civil functions lands—3.1 million acres.

In 1940, on the eve of World War II, the figure stood at 4.3 million acres.

On June 30, 1945, defense agencies held 25.1 million acres of lands in the United States.

By June 30, 1953, at the close of the Korean war, total holdings (excluding land held for civil functions) amounted to 17.3 million acres.

And, on June 30, 1955, defense agencies held in the "continental" United States alone, exclusive of civil functions and adjusted on the basis of retabulation of figures available a year ago, a total of 27.6 million acres. Of this total, 16.9 million acres represented lands reserved from the public domain.

Table I below shows the total real property controlled, by agencies of the Department of Defense, as of June 30, 1956.

TABLE I.—*Defense agency control of lands, United States only*

Military department holding real property	Cost to U. S. Government	Land area (acres)					
		Total controlled	Owned	Public domain	Temporary use	Leased	Easements
	<i>Thousands</i>						
Army-----	\$6,879,024	8,763,733	3,949,202	3,300,666	1,009,251	² 483,227	21,387
Navy-----	1 6,530,395	4,353,725	1,548,080	2,218,958	235,611	348,699	2,377
Air Force-----	1 4,839,040	14,447,409	1,771,350	11,374,385	228,032	1,034,570	39,072
Total-----	18,248,459	27,564,867	7,268,632	16,894,009	1,472,894	1,866,496	62,836

¹ Land and improvements.

² Excludes acreage leased outside of installations.

Tables II, III, and IV, below, show military property controlled by the Army, Navy, and Air Force, respectively, as of June 30, 1956, by States, and with original cost of land and improvements indicated.

TABLE II.—*Department of the Army, State distribution of military real property controlled as of June 30, 1956*

Army	Cost to U. S. Government ¹	Land area (acres)					
		Total controlled	Owned	Public domain	Temporary use	Leased ²	Ease-ments
Total	Thousands \$6,879,024	8,763,733	3,949,202	3,300,666	1,009,251	483,227	21,387
Alabama.....	285,089	187,079	140,938	33,411	7,080	5,602	48
Arizona.....	72,456	972,860	50,874	918,219	3,188	578	1
Arkansas.....	168,874	99,736	94,283	16	836	4,447	154
California.....	498,710	1,223,875	407,812	624,703	143,977	46,427	956
Colorado.....	139,691	185,870	78,798	1,761	74,818	30,455	38
Connecticut.....	1,636	1,183	496			245	442
Delaware.....	16,031	2,332	1,635		156	522	19
District of Columbia.....	30,513	396	393		3		
Florida.....	2,466	4,422	51	14		4,357	
Georgia.....	198,203	524,599	520,170			97	4,332
Idaho.....	65	128,381		3,166	125,071	144	
Illinois.....	254,566	56,578	54,977		771	694	136
Indiana.....	330,066	134,654	134,457		2	137	58
Iowa.....	70,559	19,356	19,356				
Kansas.....	237,066	81,441	55,524	25,033	1	624	229
Kentucky.....	233,468	191,346	191,082		12	48	204
Louisiana.....	147,995	176,358	133,358		40,076	1,950	813
Maine.....	2,195	563	369			10	184
Maryland.....	308,133	99,448	95,705		29	2,717	997
Massachusetts.....	128,785	19,777	14,493		2,869	1,989	426
Michigan.....	88,121	20,416	16,188	2,348	664	1,061	155
Minnesota.....	59,791	2,920	2,802		91		27
Mississippi.....	17,961	18,101	7,485		1,964	8,644	8
Missouri.....	240,508	128,547	77,144		51,347		56
Montana.....	1,767	7,971	6,422	1,548			1
Nebraska.....	78,548	51,574	50,490	20	2	1,062	
Nevada.....	15,030	30,135	206	6,673	23,256		
New Hampshire.....	2,694	261	235		26		
New Jersey.....	294,306	51,601	49,407		89	1,773	332
New Mexico.....	150,144	1,955,675	152,137	1,130,853	471,088	201,551	46
New York.....	301,302	140,984	137,221		711	757	2,295
North Carolina.....	108,635	150,072	139,764		5,622	30	4,656
North Dakota.....	899	314	304			10	
Ohio.....	203,640	34,324	34,056			257	11
Oklahoma.....	83,366	152,754	42,799	79,391	30,544	10	10
Oregon.....	43,629	18,656	11,402	7,160	62	32	
Pennsylvania.....	289,634	54,029	38,673		6	14,916	434
Rhode Island.....	2,504	375	168				207
South Carolina.....	41,405	56,518	53,645			2,863	10
South Dakota.....	27,904	21,202	12,370	1,201	7,631		
Tennessee.....	271,737	110,075	109,097			818	166
Texas.....	394,947	541,793	396,433		9,629	135,450	281
Utah.....	134,263	495,198	52,373	431,487	5,568	5,762	8
Vermont.....	1	2	2				
Virginia.....	475,382	166,086	161,734		1,581	1,003	1,768
Washington.....	214,716	362,522	326,139	28,408	481	5,729	1,765
West Virginia.....	68,763	1,834	1,600			234	
Wisconsin.....	140,855	69,956	69,614			222	120
Wyoming.....	5	9,745	4,521	5,224			

¹ Land and improvements.

² Excludes acreage leased outside of installations.

TABLE III.—*Department of the Navy, State distribution of real property controlled as of June 30, 1956*

Navy	Cost to U. S. Gov- ernment ¹	Land area (acres)					
		Total controlled	Owned	Public domain	Tempo- rary use	In-leased	Ease- ments
Total.....	<i>Thousands</i> \$6, 530, 395	4, 353, 725	1, 548, 080	2, 218, 958	235, 611	348, 699	2, 377
Alabama.....	11, 840	4, 406	3, 248	0	0	1, 158	0
Arizona.....	8, 694	1, 043	658	0	219	166	0
Arkansas.....	115, 071	68, 294	68, 269	0	0	25	0
California.....	1, 523, 100	2, 826, 673	462, 125	1, 838, 288	207, 012	318, 565	683
Colorado.....	11, 303	62, 685	3, 515	59, 168	0	2	0
Connecticut.....	44, 599	876	781	7	0	12	0
Delaware.....	8, 350	121	121	0	0	0	0
District of Columbia.....	88, 921	825	761	64	0	0	0
Florida.....	322, 669	106, 873	67, 564	15, 865	6, 760	16, 387	297
Georgia.....	112, 691	8, 206	7, 361	0	5	838	2
Idaho.....	18, 480	260	258	0	0	1	1
Illinois.....	120, 027	2, 946	2, 916	0	0	15	15
Indiana.....	100, 446	63, 058	63, 034	0	0	24	0
Iowa.....	11, 716	2, 471	2, 441	0	0	1	29
Kansas.....	33, 057	5, 018	4, 972	0	0	46	0
Kentucky.....	16, 110	394	392	0	0	2	0
Louisiana.....	50, 199	7, 785	5, 714	0	0	2, 071	0
Maine.....	85, 081	3, 802	3, 783	0	0	17	2
Maryland.....	339, 021	22, 810	22, 675	0	0	90	45
Massachusetts.....	204, 248	9, 398	9, 333	0	26	20	19
Michigan.....	74, 985	1, 893	1, 857	0	0	36	0
Minnesota.....	13, 208	200	193	0	0	6	1
Mississippi.....	16, 438	1, 165	1, 156	0	0	9	0
Missouri.....	48, 375	801	788	0	0	13	0
Montana.....	477	3	0	0	0	3	0
Nebraska.....	83, 277	48, 854	48, 830	0	0	24	0
Nevada.....	86, 799	535, 835	331, 889	203, 940	3	3	0
New Hampshire.....	2, 115	58	55	0	1	2	0
New Jersey.....	265, 341	44, 456	20, 572	0	19, 103	4, 778	3
New Mexico.....	5, 921	5	0	0	0	5	0
New York.....	357, 048	7, 272	7, 215	0	36	17	4
North Carolina.....	214, 679	148, 920	148, 865	0	3	7	45
North Dakota.....	242	2	0	0	0	2	0
Ohio.....	56, 780	548	340	0	1	204	3
Oklahoma.....	104, 638	46, 266	46, 261	0	0	5	0
Oregon.....	29, 702	2, 971	2, 591	0	1	372	7
Pennsylvania.....	381, 834	5, 727	5, 598	0	26	21	82
Rhode Island.....	212, 170	7, 290	6, 930	291	0	12	57
South Carolina.....	111, 433	23, 592	23, 384	0	166	16	26
South Dakota.....	0	7	0	0	0	7	0
Tennessee.....	58, 896	3, 861	3, 814	0	3	41	3
Texas.....	163, 684	22, 641	22, 594	0	0	47	0
Utah.....	34, 808	92, 315	847	91, 464	0	4	0
Vermont.....	484	1	1	0	0	0	0
Virginia.....	635, 280	115, 627	109, 988	0	2, 187	3, 451	1
Washington.....	313, 125	35, 306	33, 728	390	59	153	976
West Virginia.....	29, 556	658	658	0	0	0	0
Wisconsin.....	3, 273	25	5	0	0	20	0
Wyoming.....	204	9, 482	0	9, 481	0	1	0

¹ Land and improvements.

TABLE IV.—*Department of the Air Force, State distribution of real property controlled as of June 30, 1956*

Air Force	Cost to U. S. Government ¹	Land area controlled (acres)					
		Total	Owned	Public domain	Temporary use	Leased	Easement
Total.....	Thousands \$4,839,040	14,447,409	1,771,350	11,374,385	228,032	1,034,570	39,072
Alabama.....	117,801	14,604	10,004	524	2,251	1,825	
Arizona.....	103,668	2,797,755	45,710	2,590,868	17,878	143,099	200
Arkansas.....	31,122	9,140	9,116			24	
California.....	541,139	1,367,585	354,454	975,371	30,830	4,035	1,895
Colorado.....	45,863	73,563	64,591	8,521		447	4
Connecticut.....	10,436	2	2				
Delaware.....	30,530	4,474	2,580		840	849	205
District of Columbia.....	24,108	666	640		22	4	
Florida.....	280,754	638,713	493,707	138,793	2,623	2,895	695
Georgia.....	165,888	35,934	18,298		11,742	5,163	731
Idaho.....	30,366	950,801	2,331	876,304	18,372	53,726	68
Illinois.....	208,885	6,101	5,452		1	163	485
Indiana.....	41,034	5,274	4,826			113	335
Iowa.....	2,574	980				980	
Kansas.....	179,362	67,063	65,845		30	400	788
Kentucky.....	15,337	4,004	3,468		69	14	453
Louisiana.....	126,597	37,682	26,117		7,580	1,701	2,284
Maine.....	148,531	132,056	13,616		91,947	23,351	2,142
Maryland.....	81,536	7,388	7,094		1	228	65
Massachusetts.....	118,492	31,962	9,582		408	20,568	1,404
Michigan.....	82,283	40,680	6,487	160	15,921	16,459	1,653
Minnesota.....	23,746	4,439	1,086		1,203	1,883	267
Mississippi.....	81,610	13,423	5,851		2,858	4,171	543
Missouri.....	43,054	6,077	3,023		10	2,301	743
Montana.....	25,064	3,333	2,668		90	514	61
Nebraska.....	81,770	7,011	3,516		636	2,097	762
Nevada.....	46,858	3,379,350	10,148	3,368,010	108	1,050	34
New Hampshire.....	6,282	4,751	3,863		21	432	435
New Jersey.....	73,208	3,531	3,287		8	234	2
New Mexico.....	144,586	1,623,874	34,612	1,200,973	5,096	374,718	8,475
New York.....	226,818	21,949	14,184		1,553	3,696	2,516
North Carolina.....	8,075	6,252	2,898		1,438	1,511	405
North Dakota.....	2,830	3,831	3,333			498	
Ohio.....	349,466	15,304	14,318			166	820
Oklahoma.....	157,395	16,326	7,144		65	8,632	485
Oregon.....	7,381	96,865	58,726	37,344	133	656	6
Pennsylvania.....	49,111	4,154	1,389			2,751	14
Rhode Island.....	3,708	44	44				
South Carolina.....	69,211	20,128	8,134		8	11,055	931
South Dakota.....	37,836	348,045	245,833		6,782	95,101	329
Tennessee.....	84,801	47,991	44,382		1,271	1,896	442
Texas.....	609,926	227,091	109,855		4,180	108,977	4,079
Utah.....	66,336	1,779,204	7,323	1,734,646	10	37,213	12
Vermont.....	8,596	1,875	1,416			415	44
Virginia.....	43,010	8,721	7,698		922		101
Washington.....	161,121	23,363	17,900	1,370	402	2,359	1,332
West Virginia.....	881	42	41				1
Wisconsin.....	19,537	2,496	24		1,393	1,079	
Wyoming.....	20,517	551,512	14,734	442,025	57	94,695	

¹ Data represent the cost of land and improvements.*Temporary withdrawals become permanent*

Through a series of Executive and public-land orders promulgated and issued over the 6-year period from 1939 through 1945, more than 13 million acres of public lands were withdrawn and reserved for the use of the military and other branches of the Federal Government—

* * * for purposes incident to the various phases of the national emergency and the prosecution of the war; * * *.

In most of those orders, the intention was expressed that—

* * * after the termination of the emergency, the public lands should be returned to the jurisdiction, uses, and administration which existed prior to the withdrawal and reserva-

tion of such lands for purposes incident to the national emergency and prosecution of the war; * * *.

Apparently, in recognition of the purpose for which such lands were withdrawn initially, and in light of the declared intention to restore them at the end of the emergency, President Franklin D. Roosevelt, on February 28, 1945, caused to be issued Executive Order 9526. This order, after reciting the events leading up to the land withdrawals, renewed the statement of intention to restore, amended existing orders to revoke military jurisdiction thereover 6 months after termination of the then-existing war emergency, whereupon jurisdiction in the Department of the Interior and other administrative agencies would automatically revert.

The Executive order of February 28, 1945, is set out following:

EXECUTIVE ORDER 9526

AMENDING CERTAIN EXECUTIVE AND PUBLIC LAND ORDERS WITHDRAWING PUBLIC LANDS FOR PURPOSES INCIDENT TO THE NATIONAL EMERGENCY AND THE PROSECUTION OF THE WAR

Whereas by certain Executive and public-land orders more than 13 million acres of public lands have been withdrawn and reserved for the use of the military and other branches of the Federal Government for purposes incident to the various phases of the national emergency and the prosecution of the war; and

Whereas immediately prior to the issuance of such orders various executive departments and independent agencies of the Federal Government had primary jurisdiction over, interests in, needs and uses for, or administration of, certain portions of such public lands; and

Whereas because of the findings of necessity for the emergency use of such lands, the jurisdiction over, interests in, needs and uses for, and administration of those lands by such departments and agencies were subordinated to such emergency use; and

Whereas it is and has been the intention, as expressed in most of the orders, that after the termination of the emergency, the public lands should be returned to the jurisdiction, uses, and administration which existed prior to the withdrawal and reservation of such lands for purposes incident to the national emergency and the prosecution of the war; and

Whereas it is appropriate that, in future determinations of the public purposes for which such lands shall be used, reserved, or administered after the emergency, those departments and agencies of the Federal Government which had prior jurisdiction over, interests in, or administration of such lands should have restored to them such jurisdiction over, interests in, or administration of the lands as existed prior to the withdrawal and reservation of the lands for purposes incident to the national emergency and the prosecution of the war;

Now, therefore, by virtue of the authority vested in me as the President of the United States as set forth in the orders hereinafter enumerated, it is ordered as follows:

The Executive orders and public-land orders hereinafter enumerated, withdrawing and reserving public lands for uses incident to the national emergency and the prosecution of the war, are hereby amended by adding to each of the said orders the following paragraph:

"The jurisdiction granted by this order shall cease at the expiration of the 6 months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered."

Executive order numbers: (Omitted.)

Public-land order numbers: (Omitted.)

Any provision in any of the orders hereinabove enumerated which is in conflict with this order is hereby superseded to the extent of such conflict: *Provided, however*, That any provision for the earlier return of jurisdiction over the public lands in any of said orders shall remain operative.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,

February 28, 1945.

By the terms of the 1945 Executive order, Defense jurisdiction over the lands covered was to automatically revert 6 months after the termination of the unlimited national emergency.

The unlimited national emergency was terminated on April 28, 1952; the 6 months' period expired October 28, 1952.

At last count—February 20, 1956—a total of 49 of these "temporary" withdrawals, made between April 28, 1939, and August 25, 1945, and located in 10 States and Alaska, and embracing 11.8 million acres of land, were still in effect by virtue of what appears to be Executive "permissive action."

Present Executive withdrawal procedure

As stated above, the present authority to effect withdrawal or reservation of the public lands vests—on the basis of the implied or express Executive authority evolved in the manner set out earlier—in the Secretary of the Interior by virtue of a Presidential delegation of authority on May 26, 1952.

Under procedure developed pursuant to this delegation of authority, withdrawals are presently effected in this manner:

(1) The head of the requesting agency files application for withdrawal with local land office of Bureau of Land Management, Department of the Interior. Filing has the effect of temporarily segregating

such lands from all forms of entry or disposition under the public land laws—

* * * to the extent that the withdrawal * * * if effected, would prevent such forms of disposal.

(2) Applications are required to state among other things: name of agency; description and acreage; purpose of the request (except where classified for national security reasons); a statement showing need for all the lands requested; a statement indicating whether the withdrawal should preclude grazing, mineral leasing, and mining locations on the affected lands; notice is given locally by Federal Register publication, or through press releases by State BLM supervisors.

(3) Secretary of the Interior may, in his discretion, afford public an opportunity to object to an application, publish notice to that effect, set hearing.

(4) If Secretary thereafter determines withdrawal should be made, he issues a public-land order to that effect, which is published in the Federal Register.

(5) If Secretary of the Interior objects on behalf of his own Department, or is unable to reconcile the wishes of a department opposing the request of another department, the matter is referred to the Bureau of the Budget for settlement.

Committee conclusions on the extent to which this procedure has operated and been employed with respect—

(a) to fulfilling the public lands policy aimed at achieving maximum multiple resource utilization, conservation, and development, consistent with the withdrawal purpose;

(b) to requiring establishment of a real need for the withdrawal by the requesting agency;

(c) to encouraging precise and limiting language in withdrawal orders, consistent with the withdrawal purpose;

(d) to informing private citizens and governmental subdivisions fully of the effect of the withdrawal; and

(e) to Congress fulfilling its responsibility under the property clause of the Federal Constitution—
will be found hereafter in this report.

Pending defense land applications: June 30, 1956

Table V, set out hereafter, reflects the location, area, and proposed use of lands for which applications were pending on June 30, 1956, with the Department of the Interior for lands to be withdrawn from the public domain.

Certain figures have been submitted to this committee representing acreages in applications for withdrawal of public domain lands filed by the military departments pending before the Department of the Interior as of January 1, 1957. In keeping with the provisions of H. R. 5538, the tabulation herein below presented reflects acreages only in excess of 5,000 acres. Pending applications (31 in number) for withdrawals of less than 5,000 acres each aggregate approximately 15,800 acres.

The tabulation submitted by the Interior Department indicates that applications are pending totaling 2,801,278 acres for the Williams Gun Range, Camp Irwin, Edwards Air Force Base, Nellis Gunnery Range, and the Boardman Gunnery Range. The facts are that these acreages have been the subject of withdrawal orders for many years, subject to a stipulation that the lands should revert to the jurisdiction of the Department of the Interior 6 months after the termination of the then unlimited national emergency. The Department of Defense some years ago requested that its jurisdiction and use be continued since the installations were actively utilized and it was contemplated that their use would be continued. The Interior Department granted the Defense Department permission to continue its use of the lands until such time as a new public-land order could be issued deleting the proviso in the earlier withdrawal orders that provided for the return of the lands to the Interior Department. It is contemplated that this action will ultimately be taken.

With respect to the installations known as the Twentynine Palms Marine Base, Chocolate Mountain Gunnery Range, Camp Dunlap, Nellis Gunnery Range, and the Wendover Range, the differences in the total acreages for the greater part are occasioned by the fact that Interior counted the total of all lands within the areas that were requested by the military departments for withdrawal, whereas the military departments listed only the public lands within the areas.

TABLE V.—*Applications pending for withdrawal of lands, States and Alaska as of June 30, 1956*

A. PENDING IN STATES

State	Military department	Location or installation	Interior acreage	Defense acreage
Arizona	Air Force	Williams Gun Range	2, 571, 254	
Do	do	do	429, 694	429, 694
California	Navy	Twentynine Palms Marine Base	454, 570	449, 000
Do	do	Chocolate Mountain Gunnery	235, 634	147, 063
Do	do	Mojave C Range	36, 480	
Do	do	Carrizo Bomb Range	10, 325	10, 325
Do	do	San Bernardino NAAS El Centro	32, 701	32, 701
Do	do	Camp Dunlap North Range, Chocolate Mountain.	218, 864	95, 790
Do	do	Mojave Gunnery Range Bomb	374, 410	374, 410
Do	do	Saline Valley	854, 299	854, 299
Do	Air Force	George Air Force Base	7, 546	7, 546
Do	do	Edwards Air Force Base	156, 473	
Do	Army	Radio Station Camp Irwin	638, 720	
Idaho	Air Force	Arco Idaho Reactor Test Station	29, 616	29, 616
Nevada	Navy	Sahwawe Mountain Gun Range, Fallon	547, 906	547, 906
Do	do	Fallon Bomb Range Target No. 20	21, 760	21, 760
Do	do	Saline Valley (Nev.) Gunnery	19, 584	19, 584
Do	Air Force	Nellis Rifle Range	21, 333	
Do	do	Nellis Gunnery Range	53, 120	46, 080
Do	Navy	Black Rock-Sahwawe	2, 026, 880	2, 026, 880
Do	do	Black Rock (Sulphur) Fallon	272, 000	272, 000
Do	Air Force	Nellis Gun Range (Las Vegas)	36, 306	36, 306
New Mexico	Army	Fort Bliss (McGregor Range)	449, 633	449, 663
Oregon	Air Force	Boardman Air Force Base Gun Range	95, 014	
Utah	do	Wendover Range (Newfoundland Mountain)	192, 760	162, 000
Total acres			9, 786, 912	6, 012, 623

B. PENDING IN ALASKA

Alaska	Military department	Location or installation	Defense acreage
Alaska.....	Army.....	Fort Greely.....	51,400
Do.....	do.....	Fort Richardson.....	10,369
Do.....	Air Force.....	Cape Romanzof.....	16,635
Do.....	do.....	Cape Lisburne.....	15,600
Do.....	do.....	Chena River.....	85,200
Do.....	do.....	Cook Inlet.....	2,472,800
Total defense.....	2,652,004

C. LANDS WHERE TEMPORARY USE PERIOD EXTENDED

[Areas of public domain lands in excess of 5,000 acres which were made the subject of withdrawal orders; authority expired upon termination of the unlimited national emergency in 1952; Interior authorized continued use by letter of Oct. 27, 1952; no pending applications]

State	Military department	Location or installation	Defense acreage
Arizona.....	Air Force.....	Williams bomb range.....	2,066,893
California.....	Army.....	Camp Irwin (radio).....	615,000
Do.....	Air Force.....	Edwards Base.....	60,732
Nevada.....	do.....	Nellis rifle range.....	21,333
Oregon.....	do.....	Boardman bomb range.....	37,320
Total.....	2,801,278

DEFENSE AIRSPACE RESERVATIONS, INLAND AND OVERWATER

Indirectly, but significantly insofar as there is involved responsibility for maximum public resource development and utilization, the committee notes the statistical situation with respect to airspace reservations by reason of defense agency activities.

Inland airspace reservations

Figures compiled by the Civil Aeronautics Administration show that as of December 31, 1955, in excess of 103,000 square miles (approximately 66 million acres) of inland land or land and water within the United States is overlaid by airspace restrictions, i. e., reservations against general entry by nonmilitary aircraft primarily by reason of a defense activity in the restricted airspace or on the underlying land.

In addition, on the same date, some 6,300 square miles (3.9 million acres) of inland land or land and water within the United States was overlaid by airspace prohibitions for security reasons, i. e., where no aircraft entry is permitted.

It should be noted that overland restricted or similar areas are authorized by specific statutory authority, the Civil Aeronautics Act of 1938 (52 Stat. 977; 49 U. S. C. 401), as amended, and therefore have legal status within the continental limits of the United States.

While inland airspace reservations are of only collateral interest or concern to the committee, the effect of offshore reservations is of immediate concern.

Overwater offshore airspace restrictions

Prior to enactment of the Outer Continental Shelf Lands Act of August 7, 1953, there had been created overwater "warning areas" embracing a surface acreage of more than 287,000 square miles (183 million acres) seaward of the territorial water belt surrounding the United States, and on the Atlantic, gulf, and Pacific coasts. In this

connection—and having in mind the statutory or legal status of overland “restricted” areas—it is significant to note that the regulations of the responsible airspace agency, the Airspace Panel, Air Coordinating Committee (Manual of Sept. 1, 1955, p. 8), in describing warning areas, declares [emphasis supplied]:

Warning areas are established for the same purpose restricted (danger) areas are designated; namely, to indicate that invisible hazards to aircraft exists within the area. But, while the activities are identical, restricted (danger) areas cannot be designated because the activities are being conducted outside of United States territorial waters and thus *there is no legal significance to the areas.*

Thus, absent other self-imposed restrictions, the committee takes the position that enactment of the Outer Continental Shelf Lands Act of 1953 operated to preempt the field from purely executive action in that Congress for the first time asserted sovereignty over the soil and seabed of the shelf, and provided both the sole means for disposing of mineral resources therein and the only procedure for protecting military airspace or surface requirements. Under the act, the Secretary of the Interior is given authority to lease the OCS seabed to oil and gas and other minerals exploration; at the same time the Secretary of Defense, subject to approval of the President, is authorized to designate for defense purposes—and thus to close to mineral leasing activity—such offshore areas as are deemed necessary by Defense to carrying out of its mission.

Pursuant to the Defense authority, there have been designated, since August 7, 1953, by Defense and for restriction from mineral leasing—but not as of this date finalized through Presidential approval—overwater areas embracing a surface acreage aggregating 212,000 square miles (139.9 million acres).

For purposes of prospective subsurface mineral resource development, it is significant that there are included within the areas designated since August 7, 1953, approximately 6,500 square miles (10.1 million acres) of surface area overlaying outer Continental Shelf lands within the 100-fathom line, the so-called maximum practicable drilling depth in offshore waters under present drilling methods. In addition, but to an undetermined extent, some underwater shelf lands lying at depths of less than 100 fathoms, and surrounding islands beyond the 100-fathom line, are included in requested Defense restrictions. So much for pending designations under the Shelf Lands Act.

It is in light of the foregoing that the committee takes this position with respect to mineral leasing activity in the outer Continental Shelf lands: The Outer Continental Shelf Lands Act's provisions contain the only legal basis for restricting of mineral leasing operations therein, i. e., through Defense designation, followed by Presidential approval; at the same time the act directs the Secretary to proceed to lease for development, subject to the general provisions of the act. To the extent that military departments have asserted that the existence of pre-1953 warning areas operates today to close the underlying seabed to mineral leasing, the committee is in vigorous disagreement; to the extent that orders or publications by Interior or any other Federal agency “establishing” such warning areas prior to August 7, 1953, purport to restrict mineral

development therein until revoked or modified, the committee believes that such purported restrictions were superseded with enactment of the OCS Lands Act of that date. The effect of this claim by the military is discussed under the heading "Blocking of Shelf Petroleum Development," page 54, post.

Tables VI, VII, and VIII below summarize existing offshore over-water range holdings, by agency, with additional requested areas which have been designated but not finalized shown as "Established subsequent to August 7, 1953."

TABLE VI.—*Department of the Army, air warning sites*

Reference No.	Designation	Controlling base	Computed overwater area				Airspace reserve No.
			Square miles	Total acres	Acres within 100 fathoms	Acres outside 100 fathoms	
1	Warning Area W-487, Montauk Point, N. Y.	First Army	27	17,280	17,280	0	W-487
2	Warning Area W-21, South Wellfleet, Mass.	do	32.5	20,800	20,800	0	W-21
	Total		59.5	38,080	38,080	0	

TABLE VII.—*United States naval overwater ranges*

	Computed overwater area			
	Square miles	Total acres	Acres within 100 fathoms	Acres outside 100 fathoms
Ranges along Atlantic coast				
Established prior to Aug. 7, 1953 (Public Law 212)	67,574	57,235,000	35,464,300	21,770,000
Established subsequent to Aug. 7, 1953 (Public Law 212)	7,680	6,505,000	0	6,505,000
Total	75,254	63,740,000	35,464,300	28,275,000
Ranges along gulf coast				
Established prior to Aug. 7, 1953 (Public Law 212)	16,210	13,780,000	11,070,000	2,710,000
Established subsequent to Aug. 7, 1953 (Public Law 212)	10,400	8,830,000	1,910,000	6,920,000
Total	26,610	22,610,000	12,980,000	9,630,000
Ranges along Pacific coast				
Established prior to Aug. 7, 1953 (Public Law 212)	161,056	135,039,500	1,851,500	133,188,000
Established subsequent to Aug. 7, 1953 (Public Law 212)	0	0	0	0
Total	161,056	135,039,500	1,851,500	133,188,000
Overall total				
Established prior to Aug. 7, 1953 (Public Law 212)	244,840	206,054,500	48,385,800	157,668,000
Established subsequent to Aug. 7, 1953 (Public Law 212)	18,080	15,335,000	1,910,000	13,425,000
Grand total	262,920	221,389,500	50,295,800	171,093,000

NOTE.—All ranges listed have been designated by Secretary of Defense on Aug. 19, 1955, with the exception of areas W-157A, W-281, W-158A, which have been originated subsequent to Aug. 19, 1955.

TABLE VIII.—*Principal Air Forces ranges along Atlantic coast*

	Computed overwater area			
	Square miles	Total acres	Acres within 100 fathoms	Acres outside 100 fathoms
Ranges along Atlantic coast				
Established prior to Aug. 7, 1953 (Public Law 212)	9, 387	6, 006, 560	6, 006, 560	-----
Established subsequent to Aug. 7, 1953 (Public Law 212)	191, 238	122, 400, 600	6, 038, 400	116, 362, 200
Total	200, 625	128, 407, 160	12, 044, 960	116, 362, 200
Ranges along gulf coast				
Established prior to Aug. 7, 1953 (Public Law 212)	30, 515	19, 626, 400	15, 050, 720	4, 575, 680
Established subsequent to Aug. 7, 1953 (Public Law 212)	3, 400	2, 176, 000	2, 176, 000	-----
Total	33, 915	21, 802, 400	17, 226, 720	4, 575, 680
Ranges along Pacific coast				
Established prior to Aug. 7, 1953 (Public Law 212)	2, 700	1, 728, 980	1, 263, 240	465, 740
Established subsequent to Aug. 7, 1953 (Public Law 212)	-----	-----	-----	-----
Total	2, 700	1, 728, 980	1, 263, 240	465, 740
Overall totals				
Established prior to Aug. 7, 1953 (Public Law 212)	42, 602	27, 361, 940	22, 320, 520	5, 041, 420
Established subsequent to Aug. 7, 1953 (Public Law 212)	194, 638	124, 576, 600	8, 214, 400	116, 362, 200
Grand total	237, 240	151, 938, 540	30, 534, 920	121, 403, 620

NOTE.—All ranges listed have been "designated" by Secretary of Defense on Aug. 19, 1955, with the exception of areas W-497 A, W-497 B, W-497 C, and W-506 which have been originated subsequent to Aug. 19, 1955.

SUMMARY: PRESENT DEFENSE HOLDINGS, PENDING REQUESTS

The foregoing tables present a statistical picture of present Defense agency real property holdings, Defense agency requests pending for withdrawal of additional public domain lands, present Defense agency offshore overwater air warning areas (pre-August 7, 1953), and Defense agency pending requests for approval by the President of Defense-designated overwater restricted areas under terms of the Outer Continental Shelf Lands Act (post-August 7, 1953), summarized hereafter.

Present defense holdings

Agencies of the Department of Defense controlled, as of June 30, 1956, a total of 27,564,867 acres of land within the 48 States, representing a cost (land and improvements) to the United States of more than \$18.2 billion.

All three military departments—Army, Navy, and Air Force—control some land in each of the 48 States, with total Defense acreages ranging from a high of 5.4 million acres in California to a low of 1,878 Defense-controlled acres in Vermont. Smallest acreage held by

a single military department in any one State is the 1 acre controlled by the Navy in Connecticut, while the largest single installation is the Air Force's 3.7 million acre (of which the Atomic Energy Commission now controls some 700,000 acres) Nellis-Tonapah range in Nevada.

Of the total acreage held, 16.9 million acres are withdrawn or reserved public domain lands.

Not shown in the tables above are the approximately 3.1 million acres of public domain lands controlled by Defense in Alaska, for which land and improvement cost figures were not tabulated, but which bring the 48 States-Alaska holdings of Defense to 30,664,887 acres.

Statistical comparison of lands controlled

Land controlled (exclusive of lands held for civil functions of the Corps of Engineers) by agencies of the Department of Defense today, totaling in the 48 continental States alone 27.6 million acres, or 43,138 square miles, amounts to—

A strip of land 14.34 miles in width from New York to San Francisco;

An area larger than the entire State of Ohio (41,222 square miles), or Kentucky (40,385 square miles), or Tennessee (42,244 square miles); or

An area 21 times the size of Delaware (2,057 square miles), 8 times the size of Connecticut (5,009 square miles), 5 times the size of Massachusetts (8,257 square miles), or 683 times the size of the District of Columbia.

Put another way, Defense landholdings amount to in excess of six-tenths of an acre of real property for each of the estimated 47 million families in the United States.

These figures do not include the Connecticut-size Defense holdings in the Territory of Alaska, amounting to more than 3 million acres.

Pending requests

After reconciling and adjusting figures presented by Defense and Interior in the 84th Congress, as shown in table 5 (b) above, the committee determined that there were pending, as of June 30, 1956, Defense requests for additional public land withdrawals which total a little more than 6 million acres in 6 Western States—Arizona, California, Idaho, Nevada, New Mexico, and Utah.

In California alone, where defense agencies already control more than 5.4 million acres, 7 separate applications of the Navy would withdraw an additional 1,961,588 acres, while the Air Force is seeking an additional 7,546 acres. If these applications are approved, total Defense holdings in California would reach more than 7.3 million acres.

Alaska applications pending, which total 2,652,004 acres, bring the States-Alaska pending request total up to nearly 8.7 million acres.

Total of holdings and requests

If present applications are approved without reduction or adjustment, and assuming no control-acquisition by other means, total Defense landholdings, States-Alaska, would amount to 39.3 million acres, of which 25.6 would be withdrawn or reserved public land.

Rate of military land acquisition

The basic reason for concern of the House Committee on Interior and Insular Affairs with respect to existing and proposed military land acquisitions can perhaps be best understood when reference is made to the rate of military land acquisition just prior to action being taken by the committee chairman.

During the 18-month period from January 1, 1954, to June 30, 1955, according to statistics compiled from Defense reports submitted to the committee during its hearings in the 84th Congress: the Army acquired control of 2,176,512 acres of land and the Air Force 3,775,725 acres, while the Navy reduced its total holdings by 1,781,616 acres. Thus, net acquisition figure for the 18-month period, for the 3 military departments, amounted to 4,170,621 acres.

Boiled down to 547 days, or 13,028 hours, or 781,680 minutes for that 18-month period this means that defense agencies were adding to their landholdings at the rate of 7,622 acres per day, 317 acres per hour, or—more than 5 acres per minute every minute of the night and day for 547 days!

Pending on June 30, 1955, were requests for 8.7 million acres additional in States-Alaska. Assuming approval of those applications during the 18-month period between June 30, 1955, and January 1, 1957, the rate of defense agency public land acquisition alone would have been in excess of 11 acres per minute for the 18-month period.

As a result of a requested freeze on applications—as indicated in the following section—acquisitions during the past 18 months through withdrawal of public domain, for all 3 military departments, have amounted to approximately 40,000 acres.

Action taken to block withdrawals

As the committee reported to the House on July 21, 1956, 2 of the applications pending as of July 1, 1955, a Navy request for some 2.8 million acres in the Black Rock-Sahwave area of northwest Nevada and the Navy request for approximately 880,000 acres in the Saline-Panamint Valley areas (southeast central California-southwest Nevada) generated extreme controversy in the areas affected. Both were based on a declared need for lands for gunnery purposes; both proposed to close the lands involved for an indefinite period to all forms of resource entry—grazing, mining, mineral leasing, hunting and fishing, game management, materials removal, recreation, etc.

On October 29, 1955, after consultation with ranking committee members on both sides, the committee chairman, Representative Engle, addressed a letter to the Acting Assistant Secretary of the Interior for Public Land Management, Wesley A. D'Ewart, which said, in part:

* * * *

* * * Since the use of the public-domain land areas of the United States comes squarely within the jurisdiction of my committee, I intend to initiate an investigation into the use of these lands for defense purposes immediately after the convening of the second session of this Congress. The purpose of the inquiry will be to determine whether all of these public military reservations are needed, and used, and whether or not it wouldn't be possible for the services to

make joint use of some of these facilities, thereby limiting their area and number. * * * In the light of the intensive study we intend to give this matter, I am in hopes you will withhold your approval of any further withdrawals of public lands for military reservations, or extensions of existing reservations, until we get a chance to take a good look at the situation. * * *

In a letter to the chairman, dated November 4, 1955, Secretary D'Ewart stated that the Department of the Interior would withhold approval of further withdrawals in accordance with the request of Chairman Engle, and expressed the belief that an effort should be made to initiate such hearings as early in January as possible.

FULL COMMITTEE HEARINGS, 84TH CONGRESS

On 12 hearing days beginning on January 4, 1956, and ending May 28, 1956, the House Committee on Interior and Insular Affairs compiled its hearing record on policies and procedures affecting the withdrawal and utilization of the public lands of the United States by agencies of the Department of Defense.

Extensive testimony was heard from spokesmen for the Defense Department, as well as the Departments of the Army, Air Force, and Navy, and the Department of the Interior, on a broad basis: overall policies and procedures, as well as the statistical picture of Defense holdings; pending applications; the degree of the inter-agency joint utilization; cooperation of requesting agencies with State and local officials and private citizens in the areas affected by proposed withdrawals, and extent to which regulations and control procedures presently in effect require periodic utilization reports; and related subjects.

The committee heard detailed testimony from spokesmen for the Office of Naval Petroleum Reserves with respect to that Office's assertion that it was mandated to explore for petroleum on San Nicolas Island off the coast of California; from the Bureau of Land Management on its role in public-land administration; from the Atomic Energy Commission with respect to the expansion of the Nevada testing site within the Nelis-Tonopah range, Nevada, and other expansion plans; from the United States Fish and Wildlife Service, and spokesmen for official State agencies on water resources, grazing, recreation, fish and game, mining and mineral leasing, and related resource problems.

Finally, making an invaluable contribution to understanding of the impact and complexities involved in operation of present withdrawal policies and procedures, the committee heard testimony from, or received for the record, statements on behalf of numerous national, regional, and local organizations dedicated to the several phases of multiple resource use of our public lands; a list of these organizations is included hereafter.

On April 10, 1956, there was introduced, as a result of the tentative conclusions reached by the committee based on the testimony heard up to that time, H. R. 10371, together with a dozen identical, or substantially identical bills.

Hearings on H. R. 10371, and on amendments incorporated on the clean bill reported, H. R. 12185, involved 6 days of the committee's time, in addition to the 12 days of general hearings.

Support for the legislation, 84th Congress

During consideration of predecessor legislation in the 84th Congress, the committee received unprecedented support therefor—from official State agencies of 39 States, from all major national conservation agencies, from numerous local groups, organizations, and individuals.

The list of official State agencies declaring their support of the measure reported and passed by the House in the 84th Congress, H. R. 12185, and urging its early enactment is as follows:

Alabama Department of Conservation
 Arizona Game and Fish Department
 Arkansas Game and Fish Commission
 California Department of Fish and Game
 Colorado Game and Fish Department
 Delaware Game and Fish Commission
 Florida Game and Fresh Water Fish Commission
 Georgia Game and Fish Commission
 Idaho Department of Fish and Game
 Illinois Department of Conservation
 Kansas Forestry, Fish and Game Commission
 Kentucky Department of Fish and Wildlife Resources
 Maine Department of Inland Fisheries and Game
 Maryland Game and Inland Fish Commission
 Massachusetts Division of Fisheries and Game
 Michigan Department of Conservation
 Mississippi Game and Fish Commission
 Missouri Conservation Commission
 Montana Fish and Game Department
 Nebraska State Game Forestation and Parks Commission
 Nevada Fish and Game Commission
 New Hampshire Fish and Game Department
 New Mexico Department of Game and Fish
 New York Conservation Department
 North Carolina Wildlife Resources Commission
 North Dakota Game and Fish Commission
 Ohio Division of Wildlife
 Oklahoma Game and Fish Department
 Pennsylvania Fish Commission
 South Dakota Department of Game, Fish, and Parks
 Tennessee Game and Fish Commission
 Texas Game and Fish Commission
 Utah Department of Fish and Game
 Vermont Fish and Game Service
 Virginia Commissions of Game and Inland Fisheries
 Washington Department of Game
 West Virginia Conservation Commission
 Wisconsin Conservation Department
 Wyoming State Game and Fish Commission

A partial list of the associations or organizations who went on record in support of the bill which the House previously passed—by

letter, telegram, or personal appearance before the committee—is as follows:

Alaska Miners' Association
Alaska Sportsmen's Council
American National Cattlemen's Association
California Federation of Women's Clubs
California Wildlife Federation
Chamber of Commerce of the United States
Conservation Federation of Missouri
Defenders of Furbearers, Inc.
Desert Protective Council
Idaho Association of Public Lands Counties
Idaho Public Lands Committee
Imperial Valley (Calif.) American Legion Inter-Post Council
Interstate Association of Public Land Counties
Izaak Walton League of America, Inc.
Lassen County (Calif.) Board of Supervisors
Massachusetts Conservation Council
Michigan Natural Areas Council
Mohave County (Ariz.) Board of Supervisors
Montana Association of County Commissioners
National Council of State Garden Clubs
National Lumber Manufacturers Association
National Parks Association
National Advisory Council of Taylor Grazing Boards
National Wildlife Federation
Nevada Association of County Commissioners
New Mexico Cattle Growers' Association
New Mexico Game Protective Association
North Dakota Wildlife Federation
Oregon Association of Oregon Counties
Oregon Cattlemen's Association
Outdoor Writers' Association
Ouray (Colo.) Grazing District Advisory Board
Pershing County (Nev.) Chamber of Commerce
San Diego (Calif.) County Wildlife Federation
Sierra Club
Teton County (Wyo.) Board of County Commissioners
Toledo (Ohio) Naturalists' Association
Trailfinders, The
Western Oil and Gas Association
Wilderness Society, The
Wildlife Management Institute
Wisconsin Federation of Conservation Clubs

H. R. 12185 passed the House on Consent Calendar on July 26, 1956.

The record of the printed hearings is contained in committee prints, serial Nos. 29 and 32, 84th Congress, and because of the scope of those hearings, it was not deemed necessary or desirable to duplicate in the 85th Congress witnesses and presentations heard and made in the 84th Congress, other than those from departments affected.

FULL COMMITTEE HEARINGS, 85TH CONGRESS

On 6 hearing days beginning on January 23, 1957, and ending February 6, 1957, the House Committee on Interior and Insular Affairs compiled its hearing record on H. R. 627, the base bill reported as the clean bill H. R. 5538.

Witnesses from the Department of the Interior, and spokesmen for Defense, Army, Navy, and Air Force Departments brought the committee up to date on the very substantial progress—as hereinafter indicated—made in the direction of meeting administratively the requirements that the legislation reported would impose statutorily. In addition, spokesmen from the General Services Administration and for the Office of Naval Petroleum Reserves appeared to comment on provisions of the proposed legislation affecting their activities.

Following presentation by these witnesses, and a number of staff conferences with various representatives of affected departments, the committee sat for 4 additional days between February 7, 1957, and March 1, 1957, in executive session developing the language approved by the committee for House consideration. After the bill was unanimously ordered reported on the latter day, the committee staff again met on several occasions with Defense and Interior representatives for the purpose of reconciling, to the maximum extent possible and for inclusion in this report, statistical matter presented by both during the hearings.

In all then, during the last session of the 84th Congress and the early part of the first session of this Congress, the full committee devoted 28 days to detailed consideration of the predecessor and reported legislation.

Defense Department control procedures

In its 1956 report, this committee, with respect to Department of Defense real property control procedures pointed to very substantial deficiencies.

The conclusions of this committee with respect to Defense real property control procedures prior to August 27, 1955 (as set out at length in the 1956 report on H. R. 12185, 84th Congress), are concisely summarized in the response of the spokesman-witness for the Secretary of Defense who, in response to a question as to whether there were in existence prior to that date policy directives requiring periodic review of Defense land utilization, replied:

There was a policy as to disposal. There was no policy for a full review; * * *.

From the testimony of Defense witnesses in 1956, it was made clear that until August 27, 1955—on which date the three military departments held some 30 million acres of real property in the States and Alaska and were asking for more than 8 million additional acres—the Department of Defense had not had in effect any directives requiring such periodic reports by the Army, Navy, and Air Force as would lay a base for a measured, intelligent, independent judgment on the part of Defense officials as to the need for withdrawing additional public lands for any defense purpose. On that date there was promulgated a directive which, the committee was told, will result in—

* * * a complete review being made within each 2 years of all real property under the control of the military departments. Under the terms of this directive no property may be retained without complete justification of the requirement for it. Reports of the studies made are forwarded to the Secretary of Defense. The first reports under this directive are now being received and by September of this year reports are due on all properties.

Further, with holdings in the 48 "continental" States alone representing a Federal investment of more than \$18.2 billion for land and improvements, the committee reported that the Department of Defense had, prior to the date of its directive—and relying on the asserted need by each of the military departments for additional lands—approved applications for withdrawal of the additional 8 million acres of land, and was urging Interior to issue the necessary withdrawal orders.

The committee did not know as of July 21, 1956—the date on which H. R. 12185 was reported—whether military lands held were in fact being fully utilized, nor was it able to determine the need for additional acquisitions, but one thing was apparent: neither the Secretary of Defense, nor the Secretaries of the Army, Navy, or Air Force could have, on that date, known whether full utilization was being made. Referring to the August 1955 directive, the committee last year observed:

In view of the posture of this apparently initial effort toward instituting a full, coordinated, control procedure for evaluating public land acquisition applications, it does not appear that additional areas should be added to Defense Department real property holdings—except in cases of most urgent necessity, and then subject to findings thereafter made—until all initial reports have been received, evaluated, and related to pending and proposed applications.

The soundness of the committee's position appears to have been more than borne out by what has transpired in the 12-month period since Defense witnesses closed their presentation on predecessor legislation to the reported measure.

Improved property found excess

Responsibility for the Defense program—under the 1955 directive—relative to review of real property holdings under military control is assigned to the Real Property Management Directorate of the Office of the Assistant Secretary of Defense (Properties and Installations).

The magnitude of the task facing that office in this virgin Defense land utilization effort can best be understood through a readily available statistical comparison. During the 30-month period July 1, 1954, to December 31, 1956, the Department of Defense reported to the General Services Administration—responsible for disposition of surplus Federal property—declarations of excess improved real property totaling 68,662 acres which had cost, with improvements, \$164.7 million.

Thus, the excess property declarations for that period averaged about \$60 million worth of property annually.

By way of comparison: with approximately 66 percent (see table IX, below) of the utilization reports in, on a total of 2,153 Army, Navy, and Air Force installations and properties, and with approximately only one-half of those evaluated, Defense has found that 1,056,083 acres of land, together with improvements costing \$345.2 million (industrial property, \$220 million), are excess to the requirements of the military department having custody and control.

Put another way, if evaluations and findings on the one-third of the reports processed to date are representative, it may ultimately be found that the 3 military departments between them have more than 3 million acres of improved property, which initially cost more than \$1 billion, excess to the needs of the holding agency.

Table IX, following, shows the status of real property studies by Defense pursuant to the August 1955 property utilization directive, as of February 2, 1957, while table X shows an acreage and cost breakdown, by military department of real property recommended to be excess to the needs of the controlling department:

TABLE IX.—*Status of real property studies pursuant to DOD Directive 4165.20, Aug. 27, 1955*

Military departments	Scheduled to be submitted	Submitted as of Feb. 2, 1957	Remaining to be submitted	Evaluated by OSD	Balance to be evaluated by OSD
Army.....	470	423	42	260	210
Navy.....	982	342	640	189	793
Air Force.....	701	701	0	239	412
Total.....	2, 153	1, 471	682	738	1, 415

TABLE X.—*Real property recommended as excess to holding military department*

[Breakdown by military departments of figures reported in the statement presented to the House Committee on Interior and Insular Affairs by Mr. Fred H. Rooney, with respect to real property recommended to be excess to the needs of the department having custody and control]

	Number of acres	Original cost including improvements
Department of the Navy.....	¹ 17, 340. 44	¹ \$169, 601, 672
Department of the Army.....	² 74, 713. 04	² 123, 663, 668
Department of the Air Force.....	³ 964, 029. 62	³ 46, 935, 696
	1, 056, 083. 10	345, 201, 036

¹ Includes industrial plants located on 1,304.93, acres of land, representing a total cost of \$115,068,046, recommended to be sold subject to a national security clause.

² Includes 66,818.77 acres representing a total cost of \$23,176,170 of nonindustrial type property.

³ No industrial facilities recommended to be excess in the above.

Progress in reports evaluation

Defense witnesses conceded that earlier estimates of time required for receiving and evaluating utilization reports were unduly optimistic. It was believed that by January 1, 1957, the basic study would be completed. Testimony this year indicates why it was not possible to meet this target date: one military department found it necessary or desirable to conduct a 6-week indoctrination course on review and reporting techniques of this program, and many of the reports first received from the military departments were found inadequate and

had to be returned to station level for clarification and/or supplemental information.

By way of further accounting for delay, it should be pointed out that Defense—not too surprisingly—has learned that it is necessary to make special studies of total capacities of, and overall requirements for, entire categories of properties in order to determine whether individual holdings within such categories should be retained. This approach is in sharp and gratifying contrast to the practice attested to by Defense witnesses last year which, stripped down was this: if a military department requesting additional land was asked by Defense “Do you need it and are you using what you have?” and the requesting department replied: “Yes, we do, and we are,” that was the end of Defense “review.”

With respect to “Defense review” of military department written requests for additional lands, the top witness for Defense last year had this to say [emphasis supplied]:

Sir, the paper that comes to us is signed by the Secretary of the military department involved. It has been approved by him. That is signed by him or his designee, and the figures have been approved by his staff, and by his experts. *In the Office of the Secretary of Defense, we are not expert in that field, and while we may question and ask them to restudy and recheck, in the final analysis we must accept their figures in those records.*

It will readily be seen that progress to date under the New Look has far exceeded the hopes or expectations of its most ardent advocates. *Standards for urban, port facility, airfield, and training camp property retention*

Several other projected activities growing out of studies to date deserve reference here, in that it appears Defense is meeting head on the problem of finding ways and means of substantially reducing its own outlay of Federal funds expended for, and on, real property, and at the same time markedly reducing the degree of damage to the local tax economy, growth, and development in principal centers of military activity.

What follows is taken directly from Defense testimony.

1. *Urban military installations.*—The Department of Defense believes that many properties of high value which are currently serving essential defense purposes can be disposed of and less costly replacement properties acquired. This is predicated on the knowledge that many military installations, originally sited in suburban areas, are now partially or completely surrounded by urban development. The dollar value of these Government holdings has multiplied; but, simultaneously, the potential use by the military department concerned has been lessened and necessary expansion almost completely prohibited.

Acquisition of substitute property would, in the view of Defense, permit (1) more advantageous siting on low-cost lands, (2) substantial benefits to both civil and military interests, and (3) reasonable assurance of room for expansion in event of mobilization. Defense does take, in announcing that legislation to achieve this objective will be introduced in this session of Congress, the position that property

currently held would be affected only if concurrent arrangements are made for acquisition and disposal.

The Department of Defense is to be commended for this undertaking. In its report to accompany H. R. 6024, 84th Congress (H. Rept. No. 2203), which as Public Law 894 operated to restore to the Territory of Hawaii certain lands held for many years within the Fort Armstrong Military Reservation, Honolulu, the House Interior and Insular Affairs Committee made this observation concerning historic military establishments being maintained in the heart of urban business, residential, or industrial areas:

* * * it is apparent that the Military Establishment has not in all instances recognized that, concurrent with its asserted expansion requirements, there exist matching expansion demands for the civilian economy and domestic population growth. It is clear that the latter dictates a need for continuing reevaluation of Defense holdings, particularly in heavily urbanized areas, and that the time to initiate such reevaluation is now.

When there is a collision between military and civilian requirements, it would seem that the measure must be "highest and best use." If this premise is sound, then tax-exempt parade grounds, baseball diamonds, and general recreation areas—together with frequently limited horizontal housing facilities making them desirable or necessary—in the midst of heavily urbanized areas must be considered as relocatable when vertical civilian development and industrial expansion abutting such areas establish the need for application of a higher and better use yardstick, including the possibility of unlocking real property tax potential.

That report pointed to the fact that the island of Oahu, embracing the city and county of Honolulu, is the site of 28 major military establishments. At least five of these—Fort Armstrong, Fort De Russy, Fort Ruger, Bellows Field, and Sand Island—appear to fall within the policy statement of Defense regarding installations in highly urbanized areas.

Reference has also been made in the past to such areas as the Army's Presidio, at San Francisco, which embraces more than 2 square miles (1,369 acres) out of the 28 square miles (when State-owned property is deducted) which comprise the city and county of San Francisco's tax base.

2. *Industrial plant holdings.*—It is also believed by Defense that many of the industrial plants held by the military departments which are not excess to current or mobilization requirements can produce all goods and services required for defense purposes, if privately owned, provided the availability of production capacity is assured. Beneficial tax base effect on the local areas where such properties are located is readily apparent if this belief is translated into action, as proposed in legislation for this Congress.

3. *Army training camps, Navy training-testing ranges.*—Defense has requested Army to establish a board of general officers to review and recommend current and future requirements for training camps with consideration given to the most recent mobilization concepts and technological advances. Training camps presently held comprise

3,842,271 acres of land and cost originally \$1.8 billion. Such a comprehensive study, Defense believes, is the only practical means of determining which, if any, of the individual camps are no longer required.

Similarly, Navy—which is currently requesting additional lands totaling 5.1 million acres of public domain alone—has been requested to furnish more detailed and specific information relative to its existing training and testing ranges.

4. *Military port terminals*.—Studies of military port terminals are being made at the direction of Defense in order to determine the extent to which military cargoes can be handled by private enterprise and which, if any, port facilities currently held by military departments can be disposed of subject to protective covenants.

5. *Military depot system*.—Analysis is being made of the entire military depot system by the Office of the Assistant Secretary of Defense for Properties and Installations, in conjunction with the counterpart Office for Supply and Logistics, for the purpose of achieving maximum cross-service utilization and assuring that all nonessential space is eliminated.

6. *Military airfields*.—Defense is initiating studies of all airfields controlled by the military departments in order to identify those that are outmoded and those which cannot economically be expanded, as well as those which should be disposed of for other than airport purposes.

Committee conclusions, comment

The committee recognizes, with the Department of Defense, that maximum results relative to review of all real property holdings under military control will not be achieved until final reports are in on all installations from all military departments, and until regulations have been effected to correct serious control deficiencies already established as existing. The principal concern of the committee—effecting of policy to assure in Defense operations establishment of a sound Federal policy looking to highest and best utilization of a very substantial area of the public lands of the United States—has not to date been satisfied at the Defense level. The committee nevertheless believes one major achievement is apparent: It appears that for the first time a central office of the entire Military Establishment has assumed its proper role in real property management, control, review, and utilization.

The Defense Department, through the Office of the Assistant Secretary of Defense for Properties and Installations, has, in the committee's view, launched a program which—if retained as a function at the Defense level—will result in multimillion dollar savings to the Federal taxpayer through reduction in direct Defense expenditures for management and upkeep of property not needed, not used, and not presently subject to local taxation or available to meet expansion requirements brought on by reason of growth of the community in which located.

With what appears to be modest personnel staffing (20 people), and with a number of other responsibilities, the Directorate of Real Property Management has established a sound base, for the first time, for weighing at the central Defense level, the merits of military department requests for additional acquisitions; has developed criteria which should serve as “self-help” yardsticks for measurement, within the

military departments, of current use and future planning; has provided bases for insisting on joint utilization, by a military department requesting land, of property already held but not fully utilized by another such department; and finally, and perhaps most important, it has given at least paper assurance that the entire Military Establishment will be much better geared, in advance of emergency mobilization, to know with some precision what it will require in the way of real property. Put another way, steps already taken at the Defense level hold the promise that there will be no repetition on some future mobilization day, if that should come, of the 800 percent increase in military real property holdings which came within 3 years after the outbreak of World War II.

If enacted, the measure herewith reported will serve to backstop the monumental progress made in Defense real property acquisition and utilization matters in the past 18 months. Reference hereafter to several items of unfinished business—particularly with respect to the degree of multiple use of existing holdings—should serve to further delineate the need for enactment of congressional control legislation at the earliest practicable date.

UTILIZATION REVIEW BY MILITARY DEPARTMENTS

This committee, in its 1956 report on predecessor legislation to that herewith reported, observed that—

With or without Defense directives, it appears that the Departments of the Army, Air Force, and Navy, on their own motion, would have seen fit long before 1955 to institute utilization review procedures on a periodic basis at the departmental level. The committee record fails to reveal wherein any of the three military departments had so acted prior to 1955.

It does appear that in May 1955, the Air Force initiated a comprehensive reports control procedure aimed at supplying the Department with a continuing, built-in basis for determining the justification for retention of existing holdings, or acquisition of new holdings.

As indicated above, the committee last year expressed its firm conviction that (1) no additional applications for land acquisition, except in case of most urgent necessity, should be approved pending completion of such studies; (2) Defense agency policy had been, almost without exception where public lands were involved, to insist on withdrawals from all forms of public use—this notwithstanding the fact that in many instances substantial multiple-resource utilization and development would have been entirely compatible with the proposed military use; and that (3) the Defense Department had demonstrated that it was either unwilling or unable to insist that the military departments conform their real property activities to such standards as Defense should develop.

Again, the record made in the 85th Congress—in view of what has transpired in the interim—demonstrates the soundness of a very substantial portion of the committee's 1956 findings and conclusions.

Reference to what one military department, the Department of the Air Force, discovered with regard to its own military lands policy

through internal and detailed analysis of that policy made after its appearance before the committee in 1956 will, the committee believes, serve to support the statement made in the preceding paragraph.

Air Force landholdings, before and after

On January 1, 1956, employing the adjusted figures contained in tables I, IV, and V, above, the Department of the Air Force controlled 14,447,409 acres of real property in the continental United States, plus in excess of 3 million acres (not included in the tabulations above) in Alaska. On the same date, it was seeking approval of pending applications embracing an additional 3.3 million acres in the States and Alaska.

With the close of its testimony on January 6, 1956, the Air Force had made a record which, summarized, found Air Force witnesses declaring with respect to its 14.4 million acres of land that—

(1) The Air Force is using what it holds, and is constantly reviewing its requirements for large landholdings;

(2) The Air Force does permit multiple use, to include grazing, wherever practicable; and

(3) The Air Force does permit fishing and hunting by the public, wherever practicable; and

(4) That, with respect to possible joint use by the Navy of the Air Force's sprawling (3.7 million acre) Nellis-Tonopah range in southern Nevada, or return to the public domain, Air Force witnesses declared "Not in the foreseeable future * * *."

USAF Weapons Range Board report

On January 11, 1956, the Chief of Staff of the Air Force appointed what was designated as the United States Air Force Weapons Range Board for the purpose of—

* * * reviewing and determining the current and future USAF bombing, gunnery, rocketry, and missile range requirements for training, testing, proficiency and development purposes.

On October 9, 1956, the Board submitted its report, signed by Maj. Gen. Leland S. Stranathan, Chairman, and by the following members: Maj. Gen. Edward H. Underhill; Brig. Gens. Kurt M. Landon, William E. Rentz, Charles M. McCorkle, William E. Blanchard, Avelin P. Tacon, Jr., and Arthur C. Agan, Jr.; Col. Joseph F. Brannock; and Lt. Col. David F. MacGhee, the latter as recorder.

While the bulk of the report remains classified, the matters germane to this legislation are unclassified.

Stranathan Board report findings

Because the Stranathan Board report findings represent, in the committee's view, as critical and pointed self-analysis by a Federal agency of its internal workings as has come to the attention of the committee, a summary of the report's unclassified findings are deemed germane to this report.

The Air Force controls a total of 59 ranges in the 48 States and Alaska. Forty-one overland (38 States, 3 Alaska) embrace 14.2 million acres of land; the balance, 18, are overwater ranges.

1. *Finding, range instructions.*—As to adequacy of instructions governing ranges, the Board found them—

“* * * incomplete, obsolete, and complex. Specifically * * * they do not * * * contain data on new weapons, trajectories, safety distances, etc., which would permit field commanders to determine the operational limitations for the safe employment of nonstandard ranges. * * * Provisions for periodic review and revision to assure currency of the existing publications is either weak or nonexistent.

2. *Finding, range sizes.*—The Board found that no valid criteria existed for determining what the size of a range should be “to accommodate a given training mission without undue jeopardy to private property and the public.”

3. *Finding, multiple resource use.*—In the language of the Board’s report, it was determined that—

* * * regulations and manuals contain instructions regarding ranges to a limited degree. A general statement regarding the adequacy of these instructions is that they are incomplete, obsolete, and complex. Specifically, they do not contain or announce clear-cut policy with regard to the desirability of permitting or encouraging hunting, fishing, grazing, agricultural and mining activities.

4. *Finding, hunting, and fishing.*—The Board found that regulations on hunting and fishing by either military and/or civilian personnel, and policies of supervising authorities relating to hunting and fishing on various bombing and gunnery ranges are “* * * divergent and inconsistent.”

The Board also found that, as of the date of its report, the Air Force controlled a total of 29 ranges where fishing and hunting might be applicable; that such activity by both military and civilians was permitted on 15 ranges, military hunting and fishing only was authorized on 3, and no hunting or fishing whatsoever was permitted on 11 ranges.

With regard to 11 ranges on which no hunting or fishing has been permitted, the Air Force Board found that such prohibition was “justified” on only 2 of them, and that on the other 9 ranges in 8 States, and embracing 5.1 million acres of land, such activity should be permitted, subject to personal security and basic military security.

5. *Finding, grazing and agriculture joint use.*—The Board found that, with respect to guidelines for such joint use as grazing, agriculture and mining—

There is no policy guidance in regulations to commanders regarding the desirability or undesirability of outleasing or subleasing for grazing and agricultural purposes.

As an example of the confusion in this matter, the Board cited this fact: One basic Air Force regulation stated that joint civilian use activities “will be governed by AF Regulations 90-1 and AF Manual 90-1”; the former merely states that technical guidance in the operation of these activities will be found in the latter; the latter merely provides guidance in procedure—but no policy guidance.

The Air Force Board found that there were 28 ranges under Air Force control where grazing or agriculture might be applicable; that such activity was permitted on 12 ranges, prohibited on 16 ranges. With regard to the 16 ranges where no grazing or agriculture was permitted, the Board found that such prohibition was "not justified" on 12 of them—embracing more than 6.7 million acres in 10 States—that such prohibition was "justified" on the remaining 4 because of security and personal safety requirements. It should be emphasized that the Board finding was qualified to the extent that its conclusion was that grazing will be permitted if type of utilization (i. e., whether herders are required, whether wells will be drilled, etc.), and particular time of scheduling of military use make such use compatible.

The effect of denial of such use for what has been at least 10 years can perhaps best be understood if expressed statistically: Assuming that the average acre of land held in ranges by the military has the same livestock carrying capacity as the average acre on the 148 million acres of grazing land controlled by the Bureau of Land Management (where use averages 50 acres per cow year, 8 acres per sheep year) the Air Force lands closed for many years where such closure was found "not justified" by the Stranathan Board would have a potential carrying capacity for more than 67,000 cattle and more than 420,000 sheep, per year.

Conceding that other factors—e. g., personal safety factors, contamination of range areas, or temporary Federal policies aimed at reducing agricultural crop acreages or grazing acreages—might reduce, or even preclude (in the case of Federal crop reduction policies) grazing entirely, the realistic reappraisal by the Air Force Board indicates what can be done when the effort is made.

6. *Finding, excess rangelands.*—Finally, and of greatest importance, the Air Force Board found on October 9, 1956, that of the 14.4 million acres said to be "fully utilized and needed for the foreseeable future" 9 months earlier, a gross acreage of more than 5.5 million, or about 40 percent of the total Air Force landholdings, were in fact excess to current and long-range Air Force requirements *as bombing and gunnery ranges*. [Emphasis supplied.]

In short, an internal self-analysis by one military department disclosed that rangelands equal in size to a strip of land 2.8 miles wide from New York to San Francisco—or larger than the States of Connecticut and Delaware combined by 310 square miles, or larger than 121 Districts of Columbia—were excess to its requirements for the purpose held.

The extent to which such findings will serve to reduce Air Force requirements for purposes other than bombing and gunnery, or to satisfy new and pending requests by other military departments, had not, as of the date of this report, been determined. One immediate effect has been noted below under the heading "Navy Nevada Requirements" (p. 407).

Committee conclusion, comment

The Air Force Weapons Range Board report of October 1956 echoes, in statistics, in its own findings, and in its conclusions, the findings and conclusions transmitted to the Congress by this committee on July 21, 1956, in House Report No. 2856, 84th Congress, on the

predecessor to H. R 5538, herewith reported. The 1956 committee report suggested that "inexcusable deficiencies" existed in Defense agency real property control procedures, while the Stranathan report—to the credit of those who brought it into being—admits their existence in one military department, the Department of the Air Force.

The Air Force report adds up, almost incredibly, to several items. It means 5.7 million acres of land were found to have served the purpose for which held, and will thus be made available for a different Defense purpose to meet new mission assignments, or disposed of to the limited extent portions of it are improved, or returned to the public domain for entry and multiple use under the public land laws. The report also means that 6.7 million acres of land in 10 States, closed for many years to grazing and agriculture (although agricultural activities are admittedly limited to a small percentage of this area), were found to be closed "without justification" and that 5.1 million acres of Air Force land in 8 States were similarly found to be closed to hunting and fishing "without justification." Further, it reflects—after too many years—willingness and ability, with Defense guidance, to apply policies looking to wiser, more economical use of a vast area of Federal lands held for Defense purposes.

The report of the Air Force Board, it appears, will result in several millions of dollars of direct savings at the outset, and the procedures established as a result of the study hold promise of tens of millions of dollars in savings in future Air Force operations.

It should be noted that as of February 2, 1957, the military departments reporting to Defense under the 1955 utilization review directive, with a total of 2,153 reports due (see table X, above), had reported as follows: Air Force, 701 of 701 reports; Navy, 342 of 982 reports; and Army, 428 of 470 reports.

In light of the Air Force findings with regard to its own operations, the committee believes that the Department of Defense should nevertheless insist on a detailed followup scrutiny of the Stranathan Board findings, and in turn that Defense should insist on development of similar internal reports on the part of the Departments of the Army and Navy, with assurances of a detailed Defense study of them thereafter.

Navy Nevada requirements

In its 1956 report, the committee devoted extensive comment to its findings on certain matters growing out of a request of the Department of the Navy for withdrawal of some 2.8 million acres in northwest Nevada in what is known as the Black Rock Desert-Sahwave Mountain area, such lands to be used to meet the Navy's west coast gunnery training requirements.

The committee expressed concern that this action would take from the northern Nevada economy, as initially proposed, some 35 ranches ranging in size from 200 to more than 19,000 acres; 22,400 cattle and 14,000 sheep grazing in the area; 142 patented mining claims, 1,609 unpatented mining claims, and several millions of dollars worth of operating mines; and, from sound game and conservation management, one of the State's best wildlife habitats for antelope, mule deer, sage hens, and chukar partridges; further, that this withdrawal would be

made in northern Nevada of 3.8 million acres when neither the Air Force on its own, nor the Defense Department had developed utilization reports for the 3.7 million acre Nellis-Tonopah Air Force Range in southern Nevada, which reports might have served to sustain the repeated turndowns by the Air Force of the Navy's pleas for joint use by the Navy of a portion of the Air Force's Nevada range holdings.

As noted above, Air Force witnesses, when asked on January 6, 1956, when Nellis-Tonopah might be made available for joint Air Force-Navy use replied, "Not in the foreseeable future * * *." Thereafter, when the Air Force announced on March 1, 1956, that more than 2 million acres at Nellis-Tonopah would be made available for Navy use, subject to partial interim Atomic Energy Commission use, the Navy argued that the Air Force offer came "too late" because of the Navy's multi-million-dollar investment in the Fallon, Nev., Naval Auxiliary Air Station, 30 miles northeast of Reno and served for gunnery purposes by temporarily withdrawn lands at Black Rock Desert and Sahwave Mountain.

The Air Force, in the Stranathan report, reiterated its conclusion that some 2.1 million acres of Nellis-Tonopah were excess to all current or long-range Air Force needs, and that an additional 700,000 being used on an interim basis by AEC would be made available in or before 1959.

On or about March 1, 1957, the Defense Department transmitted to the committee the following statement:

The Department of the Navy will make use of that portion (known as Tonopah) of the Air Force Las Vegas Range, which is excess to Air Force requirements. This should result in a substantial reduction in the Navy requirement for land at Black Rock-Sahwave, and should also cause an early decision as to the actual requirement for land at Black Rock-Sahwave.

Committee conclusion, comment

The repeated Air Force turndowns of Navy requests for joint Air Force-Navy use of Nellis-Tonopah, and defense of that action in January 1956, only to announce release of more than 2 million acres there 2 months later, was labeled by this committee in its 1956 report "inexplicable." The Navy's plea that the March 1, 1956, Nellis-Tonopah Air Force release came "too late," was similarly labeled "incomprehensible." Finally, the action of Defense in blessing all of the positions of both Departments was labeled "an inexcusable deficiency in (Defense) control procedures."

In light of events which have since transpired, it appears that a promised resurvey by Navy of its requirements has been made, with the results indicated, that the Air Force Weapons Range Board report explains the turndowns—without defending them; and that, however tardily, Defense did enter the picture.

The committee assumes that the "substantial reduction" indicated at Black Rock-Sahwave would be at least equal to the amount made available at Nellis-Tonopah. If so, in addition to reducing by approximately 2 million acres the net Navy requirement in northern Nevada, this action will assure that 2 million abandoned—and substantially contaminated—acres in southern Nevada will not go unused.

MILITARY HUNTING AND FISHING

By way of background, the committee here repeats a portion of what was said in its 1956 report on H. R. 12185, the predecessor to H. R. 5538, both of which would operate to effect substantial changes in the present military-local relationship with respect to fishing, hunting, and trapping on military installations.

Accompanying the jump in military land holdings from 4 million acres in 1940 to more than 25 million acres in 1945, and continuing to the present time, there has been repeated collision between the military and Federal (including United States Fish and Wildlife Service personnel) and State officials charged with the responsibility for development, management, and harvesting of fish, game, and wildlife resources.

Without attempting to detail—or reconcile—the legalistic differences of opinion, it may be said that the basic Federal policy with respect to fish, game, and wildlife resources found on Federal real property, outside of holdings for defense and certain atomic energy installations, has been to provide for exclusive State jurisdiction, including management and enforcement or to provide for concurrent Federal-State jurisdiction.

The Assimilative Crimes Act of June 25, 1948 (62 Stat. 683), is the basic Federal law governing the application of State and Territorial law on Federal reservations of public lands.

Section 7 of the 1948 act (62 Stat. 683, 685; 18 U. S. C. 7), defines the special maritime and territorial jurisdiction of the United States, in part, to include—

* * * * *

(3) Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

Section 13 of the 1948 act (62 Stat. 683, 686; 18 U. S. C. 13) relates to laws of the States adopted for areas within Federal jurisdiction in this language:

13. Whoever within or upon any of the places now existing or hereafter reserved or acquired as provided in section 7 of this act, is guilty of any act or omission which although not made punishable if committed or omitted within the jurisdiction of the State, Territory, possession, or district in which such place is situated, by the laws thereof in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

The military has asserted—and the assertion has not been successfully challenged—that State laws governing the taking and possession of fish, wildlife, and game apply as follows:

(1) *Areas of exclusive Federal jurisdiction.*—State officials have no enforcement authority and State hunting and fishing licenses are not required.

(2) *Concurrent Federal-State jurisdiction areas.*—The State may require possession of a license and State laws may be enforced by officials both of the State and Federal governments.

(3) *Exclusive State jurisdiction.*—Where neither exclusive Federal nor concurrent Federal-State jurisdiction exists, the State fish and game laws will govern, and State and local officials “* * * should be afforded every opportunity to enforce the fish and game laws and regulations”—except that “* * * current security regulations will take precedence over State or local fish and game laws.”

A number of the States have taken the position, however, that apart from the right of the United States to assert sovereignty over the lands it owns, all of the fish, game, and wildlife resources within the exterior boundaries of a State in which there may be located Federal real property as *ferae naturae*, are the “property” of the citizens of the State and subject to the laws of the State, with the exception of migratory birds.

1956 report of the committee

In its report last year, the committee said this:

It is submitted by the committee that testimony and statements received during its extended hearings on the fish and game aspects of military land holdings constitute an almost wholesale indictment of the policies and procedures presently in effect. This is so—not because violations, noncooperation, and flagrant disregard for sound fish and game management principles are the rule, for they are in fact the exceptions to the rule—but because in those several instances where conflict has arisen between the military and local officials, minor irritations have continued over a period of months or years, and have been permitted to balloon into king-sized verbal battles, and have done little to serve the cause of wise resource management and use. These longstanding military-local conflicts continue today while the Department of Defense has been unwilling or unable to resolve them to the mutual satisfaction of local authorities, or it has been indifferent to their resolution * * *.

While both the military and local officials have remained unyielding in their basic disagreement in some areas over what is legally required with respect to licensing of military personnel assigned within a State or Territory, the committee reiterates its expressed view of last year that the questions in disagreement should be mooted by enactment of the reported legislation. Particularly does this appear feasible and desirable in light of what has transpired in the past 12 months.

Progress in improving military-local relations

The record made in the 85th Congress is one which reflects measurable and substantial improvement in military-local relations in fishing, hunting, and trapping matters, with a limited number of matters still unresolved.

The Defense Department and each of the three military departments have, in the past year, rewritten the regulations governing hunting and fishing activities on military reservations under their control.

and the committee believes that as rewritten, the regulations represent an acceleration in the evolutionary moves toward increased military-local understanding.

While last year's report point to several areas where it appeared individual Army commanders and local conservation officials did not see eye-to-eye, it appears steps have and are being taken to remedy basic differences. For example, Army regulations issued November 6, 1956, were described by the top Department of the Army witness as achieving this result:

* * * the Army's policy is to comply fully with the penal provisions of State hunting and fishing laws, such as those pertaining to seasons, bag limits and sex of animals killed; to cooperate with all State and local officials interested in hunting and fishing, wildlife and conservation; to quickly and vigorously prosecute all violators; and to engage in long range conservation and game management programs on all military reservations.

Army performance in keeping with this policy declaration is evidenced from several quarters, to include the following.

Camp McCoy, Wis.—This 10,000-acre area, described in 1956 as "a haven for the unlawful taking of deer" by reason of insufficient garrisoning of military personnel during the State hunting seasons, has witnessed in the past year several changes to remedy the situation.

Where only 100 to 200 licenses per year for civilians to hunt at Camp McCoy were previously issued, about 2,000 were issued during the past season. During the past deer season, the Army supplemented its own limited post complement by military police furnished from Fifth Army Headquarters to assist local wardens in patrolling the reservation; through cooperation of the United States district attorney at Madison, Wis., and through efforts of military patrols and Federal agents supplied as a result of Army requests, 22 poachers—none of them military personnel—were arrested and turned over to the United States commissioner. This activity, it is believed, will serve as notice of the consequence to follow future violations, with military-local cooperation responsible.

Fort Sill, Okla.—The longstanding controversy between local and Federal wildlife interests and the Army over the latter's request for transfer of exclusive use of some 10,700 acres for artillery training purposes from the 59,000-acre Wichita Mountains National Wildlife Refuge in Oklahoma appears to have been finally resolved as of February 28, 1957. Opponents of the Army move had argued that the proposed Army takeover would cut the "heartland" out of this outstanding game and bird management area, along with key public use areas therein.

Under terms of the Army-Interior agreement reached last month, the Army is settling for about one-third of the 10,700 acres originally requested on a 10-year use permit basis which in effect is an extension of one which has been in force for many years; terms of the agreement provide for assuring no military or civilian hunting therein, periodic entry by conservation officials, exclusion from the area agreed on of Boulder Camp, and public-use facilities at Post Oak and Treasure Lakes, road relocation at Army expense, and pro tanto re-

placement elsewhere of public-use facilities in the Elm Springs and Pecan Springs Camps.

Alaska.—Alaska Game Commission spokesman testified that his organization had received "excellent cooperation" in all respects from local military commanders during the past year. In addition the Army in Alaska assisted Alaskan game officials by furnishing trained conservation agents on full-time temporary-duty status to augment the Fish and Wildlife Service during the hunting and fishing seasons; assisted Alaska agencies by taking creel census to be used for restocking studies, and assisted in restocking of lakes and streams; and sent 25 students, as an annual procedure, to the University of Alaska to take the annual course on wildlife management for military personnel—for later assistance in enforcement.

Fort Meade, Md.—The Army resolved disagreement with Maryland State game officials regarding State or county licenses for military personnel at Fort Meade (embracing 72,721 acres), and with regard to Sunday hunting, by agreeing to require Maryland licenses, and abide by the prohibition against Sunday hunting.

Numerous installations.—The Army was able to supply the committee this year with evidence of very meaningful examples of conservation, restocking, and wildlife management programs conducted at various Army installations during 1956; Fort Devens, Mass.; Fort Knox, Ky.; Camp Breckenridge, Ky.; Ravenna Arsenal, Ohio; Fort Meade, Md.; Camp A. P. Hill and Camp Pickett, Va.; Fort Rucker, Ala.; Fort Bliss and Fort Sam Houston, Tex.; Fort Sill, Okla.; Hunter Liggett Reservation, and Camp Cooke, Calif.; and Fort Douglas, Utah. These activities added together mean more than 50,000 fish were introduced through restocking on these reservations, together with over 12,850 quail, pheasants, and partridges. More than 430,000 trees were planted last year, in addition to well over 5,000 acres of feed and cover crops planted, and thousands of pounds of hay, grain, and salt placed for scratch and winterfeed for birds and game.

Aberdeen Proving Ground, Md.—In testimony before this committee in 1956, the Aberdeen, Md., Proving Ground, an Army installation, was characterized by the Chief of the Wildlife Division, United States Fish and Wildlife Service as—

* * * a deluxe officers' shooting club [where] there is a master sergeant and a couple of assistants who spend all fall during the open season handling the blind system over there.

The same witness described the difficulty encountered by Federal game agents who have attempted to enter the area for investigation of hunting practices asserted pursued there.

No Army comment was received at that time.

Without otherwise enlarging on the matter, the commanding general, Second Army, under which Aberdeen Proving Ground falls, in a report dated January 18, 1957, includes these comments on activities at that installation—

With close cooperation and frequent meetings between State game officials and representatives of this installation an effective program of supervised hunting was established.

* * * A program for release of duck blinds over which this

installation exercised riparian rights has resulted in civilian utilization of these blinds through county officials.

Practices and problems in other areas indicate a need for resolution of basic policy questions still left unsettled.

Fort Bliss, Tex.-New Mexico.—The 1956 committee report pointed to repeated clashes over the past 20 years between successive New Mexico governors and commanding officers at Fort Bliss, Tex., regarding the use of the 728,000-acre (449,000 acres public domain) Army antiaircraft range in New Mexico and used by Bliss personnel for training.

The heart of the argument has been insistence by New Mexico officials that State laws regarding licensing, season, and taking, together with policing of the area by New Mexico officials, should apply. The Army has objected particularly to requirement of New Mexico law for nonresident licenses, and has in the past apparently permitted hunting without licenses, and with State game officials barred from entry for observations as to enforcement and compliance.

As of the date of this report the Army had temporarily resolved the matter by barring any and all hunting on the 728,000-acre reservation. In the event agreement is not reached prior to that time, H. R. 5538 would operate to define clearly the rights and responsibilities of both military and State guests.

Military hunting and fishing guests

In its 1956 report, the committee referred to huge Federal military reservations containing extensive fish, game, and wildlife resources with the comment that—

* * * in too many instances such areas have taken on all the aspects of exclusive military hunting preserves, closed to the public at large, closed to the Federal and State officials charged with responsibility for fish and game law enforcement * * *.

As indicated above, it appears that marked progress has been made in the direction of assuring that State and Territorial laws governing season and bag limits and establishing penalties for violations are, in large measure being enforced with reasonably close military-local cooperation. With respect to the "hunting preserves, closed to the public at large" observation, however, much remains to be done.

While the following references are to Army practices and procedures, it appears that on a number of Navy, Marine Corps, and Air Force (until December 1956) installations, essentially the same situation exists.

Fort Knox, Camp Breckenridge, Ky.—In a report made available to the committee, the commanding general of Second Army, whose jurisdiction includes the United States Army Armor Center, Fort Knox, Ky. (107,133 acres), and Camp Breckenridge, Ky. (35,681 acres), points out that, with respect to nonmilitary hunting and fishing procedures—

Commanding General, United States Army Armor Center, has issued to Members of Congress, State government officials, city officials of communities adjacent to Knox and Breckenridge, and prominent citizens who have demonstrated

active interest in military affairs invitations to hunt and fish at Knox and Breckenridge.

The report on these Kentucky installations then adds:

In addition, responsible citizens residing in adjacent communities who make request to commanding general for permission to hunt at Knox and Breckenridge are granted permission providing they comply with State game laws and local personnel are available to accompany them to insure compliance with safety and hunting regulations. Permit holders include both military and civilian employees of the installations who have valid State hunting and fishing licenses. They are authorized to have a guest for three 2-day periods during any one game season.

Other Army areas.—Knox and Breckenridge are under Second Army, which exercises jurisdiction over Army installations in seven States: Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Kentucky, and Ohio.

With respect to other Army areas, a somewhat similar guest guideline seems to prevail.

In the seven-State Third Army area (North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Tennessee) post civil service personnel, retired military personnel, and guests of military personnel, in addition to military personnel on active duty, are permitted to hunt and fish. In the five-State Fourth Army area (Arkansas, Louisiana, Texas, Oklahoma, and New Mexico) the general rule appears to be that hunting and fishing is permitted for military personnel, post civilian employees, and other civilians only "as invited guests of military personnel." In most instances in the 13-State Fifth Army area (Michigan, Wisconsin, Illinois, Missouri, Indiana, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Wyoming, and Colorado) hunting and fishing privileges on military installations are limited to military personnel, active and retired, and civilian employees; in addition, "some" standby installations permit civilian participation when State requirements are met.

From reports made available involving military installations in the 8-State First Army area (Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, and Vermont), and in the 8-State Sixth Army area (Montana, Washington, Oregon, Idaho, Utah, Nevada, Arizona, and California), it is not clear what the policy is with respect to nonassigned military personnel or civilians hunting on a given reservation, although both indicate a substantial number of civilians have hunted and fished on their installations.

Hunting-fishing by visiting, transient military

Another matter to which the committee has addressed itself, and which has frequently been the source of official and public complaint, is that raised through fishing and hunting use of large military reservations almost exclusively by military personnel, including visiting personnel or those assigned for brief training periods.

Two examples of Army military installations in the State of Virginia should establish the point, and present a study in contrast.

Camp A. P. Hill, Va.—Camp Hill is an Army installation aggregating in size nearly 77,000 acres rated as an outstanding hunting area for deer and small game, and for fishing.

A total of 182 personnel—10 officers, 87 enlisted men, and 85 Army civilian employees—are permanently assigned there. Training areas and quarters on the post are utilized for brief periods throughout the year by various groups from the area, including Regular and Reserve Army units, some Marine personnel, National Guard units, ROTC units, and Boy Scouts; all totaled, several thousands of individuals, on temporary assignment, use the area. In addition, for limited scheduled periods, the area is used by the Air Force for low-altitude bombing and strafing practice, and by naval and marine air units for loft bombing practice.

During an approximately 9-week period November 1956–January 1957, a total of 6,250 persons hunted at Camp Hill during the deer season. The breakdown is as follows: Army, 2,417; Navy, 680; Air Force, 1,205; Marines, 203; and civilians (the portion coming from Army civilian employees, as guests of military, and from the public at large is not known), 1,745.

In other words, during the deer season just ended at Camp Hill, where only 97 Army military personnel and 85 Army civilian personnel are permanently assigned, of a total of 6,250 persons permitted to hunt, 4,505 were military personnel, the balance civilians. It is not known what percentage of the hunting military personnel were on temporary duty at the post, what percentage were visiting there.

Camp Pickett, Va.—Camp Pickett, another Army installation in Virginia, essentially on standby basis, embraces nearly 49,000 acres of land classed as excellent for hunting and fishing. Prior to August 24, 1956, there had been limited but continuing complaints from some quarters because of assertedly limited civilian use, and because of military-State cooperation said to be lacking in some respects.

On August 24, 1956, the Army entered into an agreement with the State of Virginia providing for joint usage of the reservation area, to include opening of the area to all hunters and fishermen without regard to military or civilian status; operation of a continuous Army-civilian joint effort conservation program; outstanding cooperation between Army-civilian authorities in game and fish surveys and planting of seedplots for feed; requirement of compliance with State regulations required; and enforcement assured through civilian and military game wardens exercising concurrent jurisdiction.

Thereafter, and up to December 31, 1956, a total of 3,668 hunters were permitted to hunt at Camp Pickett. Of this total, between 3,300 and 3,500 were civilians, on a first-come-first-served basis.

Camp Hill and Camp Pickett stand as contrasts in the eyes of the public at large, many of whom have argued that military personnel not permanently assigned to any given installation should stand in no different position or priority with respect to fishing or hunting on that installation than does any sportsman from the public at large.

The committee has adopted language in the reported bill which it believes will establish clear-cut standards for hunting or fishing use by visiting or weekend military personnel, and will make one major recommendation with respect to the "military guest" philosophy of parceling out hunting and fishing privileges.

Meanwhile, one recent development suggests a direct approach toward improved public understanding of military reservation use.

Air Force-Fish and Wildlife Service agreement

In a preceding section, the committee has noted that reexamination of Air Force range holdings by the Air Force Weapons Range Board disclosed that for a number of years more than 5.1 million acres of land on 9 ranges in 8 States had been automatically and continually closed to fishing and hunting. In the words of the Air Force Board, this closure was labeled "without justification."

Following up this self-indictment, on December 17, 1956, the Department of the Air Force entered into a military conservation milestone memorandum of agreement with the United States Fish and Wildlife Service for the development of a fish and wildlife conservation program throughout the United States Air Force. This formal, written agreement provides that—

(1) The Air Force and the Fish and Wildlife Service agree to mutually assist each other to develop and maintain fish and wildlife resources on property presently held, and to be held by the Air Force;

(2) The Service will aid the Air Force by providing technical advice and assistance in development and management plans, in construction and management of fishing waters, improvement of habitat, stocking of suitable game, predator control, planting of food for wildlife, and similar practices;

(3) The Air Force will implement and carry out the fish and wildlife management plans approved by the two agencies to include orderly harvesting of the fish and game crop, insofar as this may be done without interference with the primary Air Force mission; and

(4) The Service and the Air Force, consistent with their primary objectives and responsibilities and the availability of funds and personnel, will endeavor in every possible instance to cooperate with State conservation departments in the development and management of the programs.

Committee conclusion, comment

As stated at the outset of this section, it appears that very substantial progress has been made by Defense, and in the three military departments, in the direction of ironing out long-standing military-local clashes on fish and wildlife.

It is clear, however, that there remains some validity in the assertion that "exclusive military hunting preserves" still exist, since the bases for permitting particular off-reservation personnel (whether military or civilian) to hunt or fish on a given reservation cannot be directly related by the committee to military security, personal safety, or sound conservation practices. If there is going to be hunting or fishing within a given military installation by persons other than those actually assigned to, or living on, that reservation—which would seem to rule out personal safety considerations—then it would appear that in the matter of obtaining on-reservation permits outsiders should stand at par with each other, whether military or civilian, except in what might be very special circumstances involving military security.

In summary, it is difficult to discern the relationship between sound game and fishery resource management and a system which limits on-reservation hunting to such varied off-reservation groups (civilian and military) as Members of Congress, State government officials, city officials of adjacent communities, retired military personnel, invited guests of military personnel, and prominent citizens who "have demonstrated active interest in military affairs." Yet, as stated above, the aforementioned groups from the public at large fell within the privilege on vast acreages of military reservations.

Nor is a majority of the committee convinced that thousands of visiting military personnel, or military personnel on temporary duty, should be permitted to fill allowed quotas, to the exclusion of the sporting public at large living in the vicinity of the installation involved.

The committee considered insertion of language in H. R. 5538 which would have provided that, hereafter, on-reservation military personnel and their dependents would have first opportunity to fill established hunting and fishing quotas. In those instances where off-reservation individuals, military or civilian, were to be permitted to participate—excepting in those limited instances where special military security aspects might be involved—the balance of such quotas would be filled just as they are on all other lands open under a limited-quota system to hunting and fishing, i. e., on a first-come, first-served basis from the public-at-large. Since military reservations are peculiarly geared to the check-in and check-out system, it would appear that the chief obstacle to such a procedure being established universally is, simply, historical practice on a number of installations.

While a majority of members were agreed on the end to be accomplished by such an amendment, time did not permit development of language to achieve that end; at the same time, it appeared to some members that opportunity should be provided for the individual military departments to internally develop regulations to discard the "guest of the military" approach, and failing that, for Congress to legislate in the field.

Pending final disposition of this question, and the reported bill, the sum-total of the past 12-months actions by the military in hunting-fishing matters is: very meritorious and meaningful progress.

THE MILITARY AND PETROLEUM RESOURCES

The committee takes this opportunity to bring the Congress up to date on two matters involving petroleum resources development and the effect of Defense land and airspace requirements on that development.

San Nicolas Island, Calif.—The committee, in its 1956 report, set out in detail the Navy position with respect to its asserted authority to conduct petroleum exploration activities on San Nicolas Island, a 14,000-acre Navy reservation created by Executive order in 1933 and located some 68 miles southwest of Los Angeles in the Pacific Ocean, and approximately 80 miles south of a point midway between the cities of Santa Barbara and Ventura. That report also registered the complete disagreement of the House Interior and Insular Affairs Committee with the basic position of the Navy, also disagreed to by the House Appropriations Committee in denying funds for Navy exploration on San Nicolas.

This year's testimony by Navy in no way operated to change the position of this committee in its opposition to the Navy's claim of existing authority to explore outside of established Navy petroleum reserves or oilshale reserves. Nor has the committee changed its position with respect to courses of action it believes the Navy should pursue. The committee still has no judgment as to the need for creation of additional naval petroleum reserves, nor does it have a judgment as to the desirability of the Navy—or any other Federal agency—conducting exploratory petroleum drilling operations. The committee does point out that the Navy has not, since last year's testimony, taken either of two basic steps which would indicate the Navy is convinced that present Navy petroleum reserves are inadequate: the Navy still has not sought—after many months and thousands of words of discussion, debate, briefs, cross-briefs and argument—to have set aside additional lands as petroleum reserves through Presidential Executive order, nor has it attempted to do so by specific act of Congress. Those two courses of action remain open.

Finally, it is pointed out that the Defense witness on this question from the Office of General Counsel, in two different responses to questions addressed to him, declared—

* * * It is our feeling that, with reference to the bill now pending before the committee, section 6 of the bill would preclude, by statutory language, exploration by the Navy for petroleum in areas reserved for naval purposes as distinguished from areas set aside for naval petroleum reserves. * * *

and most significantly, the same witness declared—

* * * The Defense Department's position on the bill does not take issue with what this section would do with respect to exploration, namely, preclude it.

Outer Continental Shelf lands.—The committee, because of certain provisions in the reported bill dealing directly with outer Continental Shelf lands, again calls to the attention of the House the existing situation with respect to development of such lands and asserted military airspace requirements.

As members know, the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U. S. C. 1331), had as its principal object and purpose declaring it to be the policy of the United States that the subsoil and seabeds of the "outer Continental Shelf"—explicitly leaving unaffected the character of the high seas above the shelf and the rights to navigation and fishing thereon—appertain to the United States and are subject to its jurisdiction, control, and power of disposition, as set out in the act.

The act defines "outer Continental Shelf" as meaning—

* * * all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in (the Submerged Lands Act of 1953) * * *.

The Submerged Lands Act of May 22, 1953 (67 Stat. 291; 43 U. S. C. 1301) in section 2 (a) (3) contains this language:

The term "land beneath navigable waters" means all lands permanently or periodically covered by tidal waters up to

but not above the line of mean high tide and seaward to a line three geographical miles distant from the coastline of such State, and to the boundary line of each State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore approved by Congress, extends seaward or into the Gulf of Mexico beyond three geographical miles.

Interior authority

The act grants to the Secretary of the Interior authority to grant leases or permits for the use of shelf lands, among other things—

* * * In order to meet the urgent need for further exploration and development of the oil and gas deposits of the submerged lands of the outer Continental Shelf * * * (67 Stat. 462, 468; 43 U. S. C. 1337).

Since the effective date of the act, with less than 600,000 acres of outer Continental Shelf lands under lease, there has been paid into the Federal Treasury more than \$253 million—a sum in excess of one-half the gross amount received by the United States in all the 35-year operation of the Mineral Leasing Act of 1920.

Section 12 (a) of the act (67 Stat. 462, 469; 43 U. S. C. 1339), authorizes the President to withdraw from disposition any of the unleased lands of the shelf and section 12 (d) reserves to the United States the right to designate by and through the Secretary of Defense, with the approval of the President, as areas restricted from exploration and operation—

* * * that part of the outer Continental Shelf needed for national defense * * *,

and provides that so long as such designation remains in effect no exploration or operations may be conducted on any part of the surface of such area except with the concurrence of the Secretary of Defense.

Interior concern over status of warning areas

In connection with the section immediately below, and on the general status of warning areas, there is inserted at this point a supplemental report of Interior dated March 15, 1957.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., March 15, 1957.

HON. CLAIR ENGLE,

*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.*

DEAR MR. ENGLE: This is with further reference to our report of February 4, on H. R. 627 and in connection with H. R. 5538, which you introduced March 4, and upon which we are informed your committee has voted favorably.

The inclusion in the new bill of certain language applicable to the outer Continental Shelf, which we suggested, is appreciated. However, the insertion by the committee of subsection (3) in section 1 of that bill presents a difficult problem for this Department.

That subsection excepts from the operation of the act warning areas set aside in the Federal lands and waters of the outer Continental Shelf prior to the enactment of the Outer Continental Shelf Lands Act. Since H. R. 5538 is concerned exclusively with land withdrawals, reservations and restrictions, it may, if enacted, result in closing to oil and gas leasing an area of 22,320,520 acres, of which over 15 million acres are in the Gulf of Mexico and a large percentage of which covers areas of the highest prospective value.

It is our understanding that the committee is persuaded that they do not bar oil and gas leasing and that the subsection was only included because of that belief. We also believe that as a matter of law they do not now prevent such leasing because: (1) they do not purport to, nor do they, withdraw the water surface or the seabed and subsoil; (2) the Outer Continental Shelf Lands Act, enacted by Congress pursuant to its exclusive constitutional authority provided in section 8 for mineral leasing on all or any part of the outer Continental Shelf, and in section 12 it specifies the exclusive ways in which any portion thereof may be withdrawn or closed to leasing. Thus, any future warning areas on the outer Continental Shelf will have to be set aside pursuant to the provisions of that section. However, the purposes for which the existing warning areas were created by reason of the resulting fallout necessarily make surface use hazardous in the extreme, and, as a practical matter, preclude oil and gas development in such areas and it is the legal effect which subsection (3) may have on this practical problem which causes us to question its inclusion in the bill.

The rules of statutory construction require that we seek to give effect to every word of a statute. If that is done literally, and without reference to other possible aids to construction, it would appear to require the conclusion that subsection (3) would give the same effect to these warning areas as it would if they were called reservations. It is recognized that they are reservations of airspace only. (See p. 8 of Terms of Reference and Procedures Manual, Airspace Panel, Air Coordinating Committee.) The Outer Continental Shelf Lands Act treats the subject as new and is comprehensive within its scope. Congress, of course, was aware of the existence of these warning areas, but nonetheless made no exception of them. However, subsection (3) now proposes to do what Congress did not see fit to do and what the Defense Department refrained from asking it to do in 1953.

The enactment of the subsection would materially increase our difficulty in leasing highly prospective portions of such areas by giving at least a semblance of legality to an assumption that they withdraw the lands. Even before the Defense Department included them in its proposed designations under the Outer Continental Shelf Lands Act the interested agencies in that Department objected to the issuance of leases within such areas but they did agree, in that one instance, to revise the boundaries to exclude the lands that were offered for lease. As to part of the area, the interested agency agreed reluctantly, and subsequent efforts to have lands released have so far been unsuccessful. We have endeavored to operate in this manner not because of any belief that we are legally obligated to do so but because we appreciate the commitments and needs of the Department of Defense. If that policy

is continued oil and gas development of these areas would be considerably delayed, if not completely prevented, even under present conditions. We fear that enactment of subsection (3) might not only perpetuate this unsatisfactory condition but accentuate it.

Certain areas of immediate concern off the coast of Louisiana are near leased areas where a number of leases have been sold for bonuses of several million dollars (up to more than \$6 million for a single lease). Such sums are not bid except upon reasonable prospects of developing oil and gas in large quantities. The need for finding new sources of these minerals is constantly increasing in urgency. There are vastly greater areas on the outer Continental Shelf where warning areas would not interfere with oil and gas development and we believe that in areas of present prospective value, which includes all of the outer Continental Shelf off Louisiana out to the 100-fathom line, the existing warning areas could and should be adjusted so as to exclude these areas.

Finally, it had been our belief that the prior bill and, we think, the present one if subsection (3) were eliminated would further emphasize the fact that oil and gas leasing of prospectively valuable areas is paramount and that warning areas must be adjusted to the extent necessary to permit of such leasing.

We would have no objection to a provision which would protect the interests of the Department of Defense and at the same time give recognition to the necessity for mineral development by providing that warning areas would be adjusted to exclude areas determined by the Secretary of the Interior to be prospectively valuable for oil, gas, or other minerals.

Since the committee has already voted out this bill, it is requested that it give consideration to this report in its report on the bill which we understand is in preparation in order that the Congress may be informed of the facts as we view them.

Sincerely yours,

HATFIELD CHILSON,
Assistant Secretary of the Interior.

Blocking of shelf petroleum development

It is ironic, in the committee's view, that the same defense agency which has pleaded for so long in so many forums for an opportunity to explore for petroleum on lands which it controls must at the same time assume the burden, in large part, for blocking the development of what is believed to be one of the United States' richest petroleum resource areas—and with the blocking to effectively bar the early payment into the Treasury of the United States of what responsible officials believe would exceed in the aggregate at least a quarter of a billion dollars.

For it is the same Navy which holds to its San Nicolas "right to explore" assertion off the coast of California which has for many months blocked leasing by the Department of the Interior of upward of 800,000 acres of prospectively oil-rich submerged lands of the outer Continental Shelf off the coast of Louisiana.

The facts are these: The Navy, by virtue of its having been established (prior to August 7, 1953 date of enactment of the Outer Continental Shelf Lands Act) as an air warning area, controls the airspace overlaying more than 1 million acres of shelf soil and seabed

within the 100-fathom line as a part of what is known as the W-92 area some 30 miles south of New Iberia, La., in the Gulf of Mexico.

While Interior has attempted to persuade Navy to adjust the boundaries of this overwater gunnery range so as to permit leasing of more than 800,000 acres of lands overlayed by W-92, Navy, as of the date of this report, had not swerved from its insistence on continuing control of the overlaying airspace—notwithstanding the fact that Navy is aware that petroleum developers would not risk investment in the area with the existence of a continuing threat of gunnery activities overhead.

It also appears that the Navy claims the 1-million acre area in question is vitally needed for fulfillment of the Navy training mission; at the same time the Navy controls other Pacific, Gulf, and Atlantic overwater airspace overlaying a surface acreage aggregating 244,840 square miles (more than 206 million acres). Further, the Navy appears to take the position that an "order" establishing W-92 (which, if existent, has not been produced) specifically provides for closure of the area to mineral leasing activity. As indicated above (pp. 21, 22), the committee takes the position that Congress could only have intended, with adoption of the Outer Continental Shelf Lands Act of 1953, that such act supersede any previous procedure in conflict with its provisions controlling not only leasing for minerals, but the only procedure under which such leasing could be restricted; i. e., through the Defense-designation-Presidential-approval procedure.

The committee was informally advised last year that the principal argument against relocating W-92 was that it would cost Navy "as much as \$2 million a year for extra fuel"; if this is still a principal argument, a readily available comparison is at hand, since Interior has estimated that bonuses alone, which might be expected to be paid for acreages within the area, would amount to "at least \$250 million."

Thus the Navy has been permitted by Defense, and apparently by those responsible in the Executive Office of the President to continue to assert its right to drill for petroleum at taxpayers' expense off the coast of California in an area which Navy acquired only for conventional defense uses—at the same time Navy is permitted by the responsible Executive offices to block extensive petroleum development off the Louisiana coast by reason of asserted conventional defense needs, when the latter action bars activity which would result in multi-million-dollar revenues coming into the Federal Treasury.

Committee conclusion, finding

It is submitted by the committee that: if Navy cannot see fit to take very early action to modify its W-92 boundaries to permit leasing to proceed, that, if Defense and Interior are unwilling or unable to override the Navy in its position, and if those responsible in the Executive Office of the President are not convinced that the time for decision is long past due, then the Congress itself must act to terminate a situation which appears to be incredibly wasteful in terms of both dollars and resource development.

H. R. 5538 is an available vehicle both to cure the present W-92 situation, and to assure that Congress will be in a position to prevent its recurrence. It is assumed that Navy or Defense will announce a clear-cut decision with respect to W-92, one way or the other, before H. R. 5538 is finally disposed of by the House.

SUMMARY OF COMMITTEE ACTION AND FINDINGS

On the record made by this committee in a total of 28 hearing days and legislation markup sessions spanning the last session of the 84th Congress and the first 8 weeks of this Congress, the House Committee on Interior and Insular Affairs believes that the findings hereinafter set out are established.

1. Defense holdings, pending requests

Twenty years ago—in 1937—defense agencies of the United States controlled a total of 3 million acres of real property, for all defense purposes.

Today, the total is more than 30 million acres in the United States and Alaska; if all pending defense applications for public lands had been approved, then defense agencies would today control nearly 40 million acres of real property in the United States and Alaska, of which 25.6 million acres would represent withdrawn public lands.

2. Rate of defense land acquisition

In the 18-month period preceding June 30, 1955—a period of 547 days—agencies of the Department of Defense acquired land at the rate of more than 5 acres per minute every minute of the day and night. Had the applications totaling 8.7 million acres pending been approved between that date and January 1, 1957, the rate of defense agency public-land acquisition alone would have been at a rate in excess of 11 acres per minute.

3. Freeze on Executive withdrawals

In view of the sharp upturn in Defense Department land acquisitions, and in view of the fact that all such withdrawals were finalized within the executive departments by Executive action (Defense requests, Interior approved), the committee chairman, Representative Engle, on October 29, 1955, after consultation with ranking committee members on both sides, addressed a letter to the Acting Assistant Secretary of the Interior for Public Land Management requesting that further approvals be withheld until the committee could initiate an inquiry into policies and procedures governing defense withdrawals.

Interior agreed to withhold approval of pending requests, and urged early committee study of the matter in the 84th Congress. Since October 29, 1955, less than 40,000 acres of public land have been withdrawn for defense purposes.

4. Defense withdrawal control legislation

After extensive hearings during the 2d session of the 84th Congress, the committee developed legislation aimed at returning to the Congress direct control of future defense agency withdrawals of public lands, with both Defense and Interior agreeing that except in cases of most urgent necessity, none of the pending applications would be approved until the control legislation had been disposed of by the Congress.

H. R. 12185, the bill reported in the 84th Congress, passed the House on July 26, 1956, without a dissenting vote and after receiving unprecedented support—from official State agencies of 39 States, from all major national conservation groups, from numerous regional and local groups, organizations, and individuals—and in very large measure the support of the Department of the Interior and the Department of Defense.

House Report No. 2856 (84th Cong., 2d sess.), which accompanied H. R. 12185 to the House set out in detail the findings and conclusions which formed the basis for the unanimous recommendation of the House Interior and Insular Affairs Committee for early and favorable House action, which came too late for Senate consideration of the measure.

The bill also unanimously reported by the committee herewith is in all essentials the bill approved by the House in the 84th Congress, with some language changes made for greater clarification as to scope and procedure.

In addition to requiring an act of Congress before defense land acquisitions exceeding 5,000 acres take effect—including public lands of the United States, Alaska and Hawaii, outer Continental Shelf lands and Federal lands and waters off the coasts of Alaska and Hawaii—the bill operates to make applicable to all military reservations and facilities the hunting, fishing, and trapping laws of the State or Territory in which such installation is located; redefine the responsibility of the Secretary of the Interior with respect to defense-held public lands found surplus to defense needs; and to clarify the existing law with respect to disposition, management, and control of the mineral estate in defense-held public lands.

The findings of the committee in the past 18 months underscore in the committee's view the urgent need for enactment of H. R. 5538.

5. Defense agency control procedures

The record made by the committee constitutes a severe indictment of central control procedures in the Military Establishment in nearly all phases of public-land acquisition, utilization, and management over a period spanning many years. It appears that the 800 percent jump (from 3 million to more than 25 million acres) in total military land holdings from the War Department days of 1937 to the creation of the Department of Defense in 1947 was made by independent actions of the military departments—the Army, Navy (for the Navy and Marine Corps) and Air Force—without benefit of centralized control procedures. Further, that until August 27, 1955, the record shows Defense had cleared without question applications for withdrawal of millions of acres of additional lands solely on the basis of an asserted need by the requesting military department. In turn, the Department of the Interior—responsible for finalizing all public land withdrawal orders—had for years approved application after application on the basis of Defense Department requests, since Interior was without authority or the technical data needed to challenge them.

The consequences of this procedure, until August 27, 1955, when Defense for the first time issued a departmentwide directive establishing a comprehensive periodic reports control procedure, are best indicated in the following sections.

6. Temporary withdrawals become permanent

During the 6-year period 1939–45, more than 13 million acres of public lands were withdrawn or reserved by Executive action for the use of the military. By the terms of the orders which set aside these lands for the military, they were to automatically revert to public-land status 6 months after the unlimited national emergency; the

unlimited national emergency terminated April 28, 1952, and the 6 months' "plus" period expired October 28, 1952.

Yet, on February 20, 1956, a total of 49 of these "temporary" withdrawals made from 11 to 17 years earlier—embracing 11.9 million acres, and located in 10 States and Alaska, were still in effect.

7. Defense agency position, January 1956

The testimony of the Departments of Defense, Army, Navy, and Air Force with respect to the more than 30 million acres held in the United States and Alaska as of January 1, 1956, and with respect to the 8.7 million acres' worth of applications which had already been approved by them and by the Defense was, in effect this: all of the land held as of that date is needed and is being used under maximum multiple-purpose use, and all of the land under application is needed.

Defense Department witnesses did concede that the results of the August 1955 directive might modify these positions. The "modification"—in dollars, acres, resources, and deficiencies revealed—has been staggering.

8. Improved property found excess, 1956-57

After the January 1956 testimony of Defense the first of 2,153 reports on that number of Army, Navy, and Air Force installations began to flow into Defense under the 1955 utilization directive.

As of February 2, 1957, with approximately 66 percent of the reports in, but with only about one-third of the total to be received evaluated, Defense found that 1,056,083 acres of land, together with improvements costing \$345.2 million, were excess to the requirements of the military department having custody and control. It should be emphasized that 18,200 acres which cost about \$230 million represents industrial property recommended for disposal, subject to a national security recapture clause.

It will be seen that if the reports evaluated to date are representative, the ultimate finding of surplus improved property (industrial and nonindustrial) may reach 3 million acres with an initial cost of more than \$1 billion. From the standpoint of this committee's particular interest, the significant figures are more than 1 million acres with improvements, but representing nonindustrial property which cost originally \$125 million.

9. Military department controls

The committee's tentative conclusion in its 1956 report that serious deficiencies were indicated in defense agency control procedures, in retrospect, appear to have been fully justified, if unduly cautious.

The committee has pointed out (see pps. 36-40, *supra*) that of the three military departments, Army, Navy, and Air Force, as of February 2, 1957, only the Department of the Air Force had submitted to Defense utilization reports on all of its properties (701 properties, 701 reports), while Navy had submitted about 30 percent (342 of 982), and Army about 90 percent (428 of 470). In turn, Defense had evaluated only about 30 percent of the total reports to be received.

It has also been noted that only the Department of the Air Force had, as of the close of the committee's hearing record, completed a detailed review of its range holdings, real-property policy, multiple-resource policy, and fishing-and-hunting policy. It has also been

noted that the Air Force Board, under the chairmanship of Maj. Gen. Leland S. Stranathan found that as of October 9, 1956:

(a) Instructions governing Air Force ranges were "incomplete, obsolete, and complex."

(b) No valid criteria existed for determining range sizes.

(c) Regulations as to multiple use on Air Force ranges "do not announce clear-cut policy with regard to the desirability of permitting or encouraging hunting, fishing, grazing, agricultural and mining activities."

(d) Regulations governing hunting and fishing are "divergent and complex."

(e) A total of 9 Air Force ranges in 8 States, and embracing 5.1 million acres of land had been "without justification" closed to general hunting and fishing.

(f) There is no policy guidance in regulations regarding the desirability or undesirability of leasing Air Force rangelands for grazing and agricultural purposes.

(g) A total of 12 Air Force ranges, embracing more than 6.7 million acres in 10 States had been closed to grazing or agriculture "without justification." (As the committee noted, p. 39, supra, applying nationwide Bureau of Land Management grazing averages, such an area would have a theoretical, potential carrying capacity for more than 67,000 cattle and more than 420,000 sheep, per year).

(h) Finally, and of greatest import, the Board found, on October 9, 1957, that about 40 percent of the 14.4 million acres of land held by the Air Force and described 9 months earlier before the committee as "fully utilized and needed for the foreseeable future"—5.7 million acres—were, in fact, excess to current and long-range Air Force requirements as bombing and gunnery ranges: thus, an area equal in size to a strip of land 2.8 miles wide from New York to San Francisco, held but excess.

The committee has no basis for any conclusion as to whether the findings of the Stranathan board with respect to Air Force holdings are representative of the situation throughout the military departments. It does here reiterate its unqualified conviction that no additional public land withdrawals should be finalized—except in cases of most urgent necessity, and then only subject to revocation thereafter if dictated by the results of studies not yet completed—until the Defense Department has reviewed the Stranathan board findings, and until Defense has in turn insisted on development of similar internal reports on the part of the Departments of the Army and Navy to be followed by detailed scrutiny and evaluation of both at the Defense level.

10. "* * * *incalculable wastefulness.*"

The commendation of the Air Force Board in the body of this report for the Board's forthright and direct assault on Air Force internal control procedures, and the highly critical and constructive self-analysis resulting will not, of course, obscure the clear message in the findings. The record of this one military department's analysis of its own operations is, in the committee's view, a recitation

of incalculable wastefulness—of taxpayers' dollars, of resources within the reservations marked "closed" for so many years to public multiple use and enjoyment, and of unquestionable but immeasurable damaging effect to the local economies from which each unneeded or unused acre was carved.

11. Lost: 303,000 Utah acres

Reference to one other finding should serve as an exclamation point to the committee's plea for early enactment of legislation which will provide a basis for review of military land requests by the Congress.

For 15 years—from 1942 until at least last month—the Air Force has controlled, but admittedly had never used an area of approximately 303,000 acres of land in western Utah, held in conjunction with Wendover Bombing Range. When pressed for an explanation as to why this 500-square-mile area (more than 7 times the size of the entire District of Columbia) had not been used, Air Force witnesses said that it could not have been used because it was traversed on the surface by a major railroad, highway, and pipelines, and overhead by a commercial airway.

In turn, when asked why it had not been released 15 years ago if not used and admittedly not useable, the Air Force witness made it clear that the Air Force did not know it controlled the area, with this explanation:

I think there may be an explanation of that. I know when I first looked into it, it just did not occur to me that we would own land in a bombing and gunnery range under a commercial airway * * *. I think that is probably what beclouded the issue, that the airway was plotted across the map and one would not think of looking for land under it."

12. Navy Nevada land

The committee has, in the body of the report (pps. 40-41, *supra*), brought up to date the developments on the request of the Navy for withdrawal of some 2.8 million acres of land in northern Nevada for use as a gunnery range, and the decision, after many months, that Navy would instead satisfy the bulk of its requirement by using the nearly 2 million acres in southern Nevada declared excess on March 1, 1956, by the Air Force.

It appears that by reason of this decision, to the northern Nevada economy there will be saved within the proposed area all or most of the inheld 35 ranches (ranging in size from 200 to 19,000 acres); 22,400 cattle and 14,000 sheep grazing in the area; 142 patented mining claims, 1,609 unpatented mining claims, and several millions of dollars worth of operating mines, and a priceless wildlife habitat for antelope, mule deer, sage hens, and chukar partridges.

13. Military hunting and fishing

The committee has noted the very substantial progress made in the matter of military-local relationships on hunting and fishing during the past year, with a number of specific accomplishments listed in the body of the report (pps. 42-46, *supra*). It is clear, however, that there remains some validity in the assertion that exclusive military hunting preserves still exist.

There has been set out in the body of the report, in some detail (pps. 46-50, *supra*), the views of the committee in opposition to the present practice of the "guest of the military" approach, as well as its views on the privileged status of retired military personnel, visiting military personnel, temporary-duty military personnel, and various classes of dignitaries—including Members of Congress—all or some of whom are listed as entitled to hunting and fishing privileges on all or some of the Army's installations. The committee believes that this principal remaining questionable practice should, and can be, re-evaluated throughout the military departments where it prevails.

14. *The military and petroleum resources*

The report of the committee has dealt, at several points, with the effect of the military overwater or offshore range policy on petroleum resources. Reference has been made specifically to the committee's position on San Nicolas Island, Calif. (pps. 50-51, *supra*), and on the Navy's insistence on retaining intact the existing W-92 warning area in the Gulf of Mexico off Louisiana (pps. 51-55, *supra*). It is believed section 6 of H. R. 5538 effectively lays to rest the San Nicolas matter.

The combination of intractability of the Navy in the matter of the W-92 withdrawal area with the unwillingness or inability of the Department of the Interior to act, and the failure of those responsible in the Executive Office of the President to settle a months-old Defense/Navy-Interior clash, is simply incomprehensible, for the reasons the committee noted in the body of the report on this subject.

This multiple inaction at the Executive level does, however, afford an opportunity for early and decisive disposal by the Congress of the matter, in keeping with the basic objective of recapturing to the legislative branch its too-long abandoned constitutional responsibility under the property clause.

The statistical effect of permitting Navy's use of 800,000 acres of the shelf lands overlayed by the W-92 Navy warning areas is this: The taxpayers of the United States are being asked to pay outright (through revenues not received from oil leasing) about \$250 per surface acre of salt-water airspace over the Gulf of Mexico for asserted naval gunnery needs—when the same Navy controls more than 16,000 square miles (13.8 million acres) of other warning areas in the Gulf of Mexico and has had designated there an additional 10,000 square miles (8.8 million acres); further, that the Navy already controls, or has had designated warning areas totaling 236,000 square miles (198.7 million acres) in surface area off the Atlantic and Pacific coasts.

The committee—failing action before House disposition of H. R. 5538—stands ready to propose an amendment aimed at resolving the W-92 matter.

15. *"Super-range" plan discarded*

From testimony of witnesses representing the Atomic Energy Commission, Air Force, and Navy in 1956, the committee had expressed concern at the proposal to carve out of public domain a new joint-use "super range" for ballistics testing purposes in the vicinity of Albuquerque, N. Mex. From testimony last year, it appeared this range might require as much as 10,000 square miles in 1 piece (an area 100 by 100 miles on its extreme axis), or roughly 6 million acres.

Decision of the Air Force to obtain use of the airspace and of non-federally owned lands of lesser area, within and over the Navaho Indian Reservation, and on terms satisfactory to the tribe, is applauded by the committee as an alternative to the original, and tentative plan.

16. Summation of today's defense needs: "Cubic miles"

The technological advances made in development of our modern utensils of war have outmoded traditional concepts of military land acquisition, management, and control—just as they have made obsolete, over the years, what were called at the height of World War II conventional weapons concepts.

In an age of high-speed, high-altitude, and pilotless aircraft, of ground-to-ground, ground-to-air, air-to-ground, and air-to-air atomic and hydrogen projectiles and missiles, it appears that the United States Defense Establishment had concentrated so much—and so effectively—on the operations aspects of its collective missions that it had at the same time largely ignored updating the procedures and policies governing acquisition, management, utilization, and control of real property deemed necessary to carry out these missions. Put another way, while policies for carrying out the basic defense mission advanced to a supereffective point, policies for assuring vital domestic land and related resources were permitted to remain outmoded, wasteful, stifling to resource development, decentralized, and ineffective.

We have said that if all pending Defense applications were approved today, then defense agencies would control nearly 40 million acres of land surface area in the States and Alaska, and at the same time they would control inland and offshore airspace overlaying a surface area aggregating an astronomical 602,000 square miles (388.9 million acres). The answer to the 1956 plea of this committee that "Defense agencies should get out over water with their ranges" is clear: they're already there.

It is clear to this committee, then, that military use requirements today must be thought of in terms of both horizontal and vertical needs. While the concern and jurisdiction of this committee is limited to the former, and then only where public lands are involved, the committee believes that it is absolutely vital that continuing reevaluations be made of Federal legislation and administrative controls governing the assignment and use of airspace, which does involve the latter.

As reported above, the committee believes that very substantial progress has been recently made by defense agencies in the direction of vastly improved real property procedures, which involves horizontal needs; it is possible that similar studies of defense airspace, or vertical needs, would achieve similar results. This is so because the record made in the 84th Congress, and in this Congress makes it clear that, where we spoke of "military acres" pre-World War II, and "military square miles" by 1945, today those requirements can only be adequately described in terms of "cubic miles."

SECTION-BY-SECTION ANALYSIS OF H. R. 5538

1. *Section 1* of the reported measure deals with the withdrawal and reservation for, restriction of, and utilization by, the Department of Defense for defense purposes of the public lands of the United States.

This section declares that, notwithstanding any other provisions of law—except in time of war or national emergency hereafter declared

by the President or the Congress—the provisions of the act will take effect upon enactment. Lands and waters included within the scope of the bill include: public lands of the United States; public lands of the Territories of Alaska and Hawaii; Federal lands and waters of the Outer Continental Shelf, as defined in section 2 of the Outer Continental Shelf Lands Act (67 Stat. 462); and Federal lands and waters off the coast of the Territory of Alaska and the Territory of Hawaii.

The committee, in employing the term “public lands,” intends it to apply in its technical or legal sense, as distinguished from “reserved public lands” or “withdrawn public lands,” and “acquired public lands.” It should be noted that section 1 makes clear the application of the provisions to all public lands—as defined therein, and in this report—but does not preclude application of some of the provisions of the bill to other real property owned or controlled by the United States.

The term “Federal lands and waters off the coast” is employed to make clear the intention of the committee that the act’s provisions apply to lands and waters lying seaward of the territorial limits of the Territories of Alaska and Hawaii.

Subparagraph (2) reflects the intent of the committee that the act not be deemed to apply to withdrawal or reservation of public lands specifically as naval petroleum, naval oil shale, or naval coal reserves.

Subparagraph (3) was approved by the committee in light of the committee’s position that the establishment of existing (pre-August 7, 1953) over-water warning areas does not—in light of enactment of the Outer Continental Shelf Lands Act of August 7, 1953—operate to preclude mineral exploration and leasing activities under the 1953 act. The committee, with this understanding and position, did conclude that until pending Defense designations under the 1953 act have been processed and disposed of through the procedures established in the reported bill, the warning areas should be left undisturbed.

Subparagraph (4) of the first section excepts from the congressional review sections of the bill, for the reasons set out in the body of the report, five long-established military reservations subject to termination of the unlimited national emergency, and for which Interior on October 27, 1952, authorized continuing use, namely, Williams bomb range, Arizona; Camp Irwin, Calif.; Edwards Base, Calif.; Nellis rifle range, Nevada; and a portion of the Boardman bomb range, Oregon.

It will presently be seen that all or parts of section 4, section 5, and section 6 apply not only to public lands, but to certain other Federal real property as well.

2. *Section 2* contains the basic provision of the bill, which establishes a requirement that withdrawals, reservations, or restrictions of more than 5,000 acres in the aggregate for defense purposes may hereafter be made only by act of Congress.

The section contains language which would preclude the making of a number of cumulative withdrawals, each for less than 5,000 acres, where all would be used for any one defense project or facility of the Department of Defense.

Testimony of witnesses for the Department of the Interior made it clear that the great majority of individual applications for any one project or facility in fact involve lands of less than 5,000 acres, and as may be noted below, the Department of Defense in its report

does not object to this section of the act. In testimony given subsequent to the receipt of the Defense Department report, witnesses for the Department of Defense directly negatived a question as to whether the 5,000-acre breaking-point in the bill would unduly hamper or interfere with carrying out of the defense mission.

3. *Section 3* would lay a more adequate base for fully determining at the local level and for congressional consideration the resource impact of proposed withdrawals.

Defense agencies would continue to file applications for withdrawal, reservation, or restriction of public lands with the appropriate local land office of the Bureau of Land Management, or with the Department of the Interior, just as is done under present procedure. Continuance of this procedure would accomplish the same dual effect achieved by existing practices: First, the recordation of the application in the appropriate office has the effect of segregating, temporarily, the lands requested from all forms of entry under the lands laws, thus serves as a sound antispeculation measure; second, continuance of existing procedure would provide notice at the local and State level—through requisite Federal Register publication and/or press releases issued by Bureau of Land Management State supervisors—that the application had been made.

Thereafter, if the aggregate acreage of public lands included within the proposed withdrawal, reservation, or restriction falls within the requirements of H. R. 5538 as evidenced by the public lands records maintained by the Department of the Interior, the Department of the Interior would then develop, for transmission to the Congress, proposed legislation having as its purpose effecting the withdrawal requested, and containing such provisions for continued operation of the public lands laws within the area proposed to be withdrawn as may be determined to be compatible with the intended military use.

To achieve these objectives, section 3 would require applications to specify, in addition to the name of the requesting agency, using agency, location and description of boundaries of the area, and gross acreage involved: the purpose or purposes—unless classified for national security reasons—for which the area is proposed to be withdrawn; whether contamination will result, and if so, whether such contamination will be permanent or temporary; the extent, if any, to which the proposed use will affect full operation of the public-land laws and Federal regulations relating to conservation, utilization, and development of mineral resources, timber, and other material resources, grazing resources, fish and wildlife resources, water resources, scenic, wilderness, recreational and other values; and, if the area to be withdrawn involves the use of water, the agency would be required to state whether, subject to existing rights under law, it has acquired or intends to acquire rights to the use of the water in conformity with State laws and procedures relating to the control, appropriation, use, and distribution of water.

Relating of these requirements in the proposed bill to the findings of the committee, as set out hereinbefore, should make abundantly clear the reasons why they are included, and the results the committee believes will be achieved.

One observation needs to be made: the record made by the committee suggests that applicant defense agencies have tended to turn to the clause

* * * if the purpose or purposes are classified for national security reasons * * *

as a device to relieve them of the burden of making known the general purpose for which such areas are to be withdrawn. It does not appear that such generalized terms as "gunnery range," "bombing range," "missiles range," and the like would seriously threaten the national security, particularly when the areas involved may range from 1,500 to 3,000 square miles in area, an area of such size that it simply cannot be subtly and deftly removed from the operation of the public lands laws without generating substantial local interest, and interest of the State or Territory affected.

4. *Section 4* has as its objective substantially reducing the areas of present and continuing conflict between State and Territorial officials and the commanding officers of military installations and facilities involving the management, conservation, and harvesting of fish and game resources, and the enforcement of fish and game laws of the State or Territory within military installations or facilities.

This section, as was noted in the comments on section 1, applies not only to reserved public land reservations, but to acquired lands as well; its broad purpose is to make State hunting, fishing, and trapping laws applicable as Federal laws on all military installations.

Section 4 (a) (1) would require that all hunting, trapping, and fishing on all military installations and facilities—including those falling presently within the "exclusive Federal jurisdiction" status—be in accordance with the fish and game laws of the State or Territory in which such lands are located. It would require that State or Territorial licenses be obtained for hunting, trapping, and fishing on any such areas if local law (i. e., State or Territorial law) authorizes license issuance to Armed Forces members on bona fide military duty for more than 30 days at such installation within the State or Territory involved, without regard to residence requirements, and upon terms no less favorable than those upon which such a license is issued to residents.

This subsection anticipates affirmative action being taken by some States before hunting, trapping, or fishing within such reservations must be licensed by State law; it does not anticipate that for such activities outside such reservations the same preferred treatment must be afforded military personnel. Since subparagraph (1) of section 4 (a) requires that all hunting, trapping and fishing at the installation or facility be in accordance with the fish and game laws of the State or Territory in which it is located, the clear intent is that such activities can be conducted if at all, only in accordance with State law relating to season and bag limits, methods of taking, etc., even though the military personnel are not required to comply with State licensing requirements within the reservation because of the State's failure to establish preferential treatment with respect to residence.

In other words, hunting within all such reservations—with or without State provisions establishing preferred military treatment—can only be conducted after the effective date of the act, if in compliance with State fish and game laws, excepting licensing. The State

may or may not provide for preferred treatment outside such reservations to be assured State licensing within such reservations, if the State has met the residence waiver requirements of this subparagraph.

Possible dual construction of the clause "for a period of more than 30 days" deserves clarifying comment: if an individual is actually assigned on bona fide military duty by orders providing for duty status at the installation involved, so that his orders require his presence at the installation for a minimum of 30 days, he would then be eligible for a license under the preferred status provisions when first physically present for duty on such orders.

Subsection 4 (a) (3) mandates the Secretary of Defense, in cooperation with the appropriate governor or his designee, and subject to safety and military security requirements, to develop procedures whereby State or Territorial fish and game or conservation officials may have full access thereto—

* * * to effect measures for the management, conservation, and harvesting of fish and game resources.

The quoted language anticipates not only that the obvious results will be achieved, but the possibility that—in areas where insufficient military personnel are present to adequately enforce fish and game laws, such as the case at Camp McCoy, Wis., referred to above—State game officials may be deputized as Federal marshals to assure adequate enforcement.

Subsection 4 (b) requires the Secretary of Defense to prescribe regulations to carry out the provisions of section 4, and reflects the committee's conclusion that only through such a provision will there be assurance that regulations are to be uniform at all Army, Navy, Marine, and Air Force installations.

Subsection 4 (c) provides that violations of the State and Territorial fish and game laws made applicable to military installations and facilities are violations of Federal law, and subject to like punishment as though committed or omitted within the State or Territorial jurisdiction.

Lastly, subsection 4 (d) specifically recites that rights granted by treaty or otherwise to any Indian tribe or members thereof are not modified by the provisos dealing with fishing, trapping, and hunting.

Special reference should be made to the applicability of this section to the Territory of Alaska, and military installations located therein. There is set out hereafter a letter (see p. 74) from the Alaska Game Commission, recommending amendments to make it clear that Alaska's present requirement that military personnel must actually be present in Alaska for a 12-month period before becoming entitled to a resident hunting license. The committee, for the reasons assigned by the Alaska Game Commission spokesman in his appearance before the committee, agrees that this licensing provision should not be changed at this time in Alaska; however, the committee has concluded that, without any amendment, the special 30-day provision would not be applicable in Alaska, since the law governing fishing and hunting in Alaska (including licensing provisions) is presently a Federal law, rather than the law of a "State or Territory."

5. *Section 5* would amend in two particulars the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

First, it would except from the real property-disposition provisions of the 1949 act, minerals in withdrawn or reserved public domain lands

which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws.

Second, it amends the 1949 act to provide that only those withdrawn or reserved public domain lands surplus to the needs of Federal agencies found by the Secretary of the Interior—with the concurrence of the Administrator of General Services—not suitable for restoration to public land status by virtue of their having been substantially changed in character by improvements, or otherwise, would hereafter be subject to the real property disposition provisions of the amended 1949 act.

Both of these amendments would clarify the operation of existing law; one would make it clear that only when determined by the Secretary to be not suitable for mining or mineral leasing purposes would the mineral estate pass with the title to the surface estate being disposed of under surplus property provisions; the other would reverse the roles of the Secretary and the Administrator so as to provide that the Secretary would make an initial judgment of the nature with which his Department is most familiar—suitability of lands for public land uses, a traditional Interior function—and if the Administrator concurs in a finding of nonsuitability, the lands would be disposed of as surplus.

6. *Section 6:* Finally, the reported measure provides, in section 6, that all minerals in withdrawn or reserved public lands—except lands withdrawn or reserved specifically as naval petroleum, naval oil shale, or naval coal reserves—are under the jurisdiction of the Secretary of the Interior, and that no disposition thereof shall be made except under—

* * * the applicable public land mining and mineral leasing laws.

Read together with the committee findings above respecting the Defense position on petroleum resources, the object and purpose of this section are clear. Until the presentation by Defense witnesses on petroleum reserves, and the effect of the prospective airspace withdrawal on pending applications for restriction of outer Continental Shelf lands, committee members had believed there was universal agreement that responsibility for disposition of minerals in withdrawn or reserved public lands was exclusively vested in the Secretary of the Interior.

Enactment of this section into law actually constitutes a restatement of the law as it is today, in the view of the committee and the Department of the Interior. In short, as declared above, the provisions of section 6 of the reported bill will serve to remove whatever doubts may exist, if any, as to the laws which govern the disposal of or exploration for, any and all minerals, including oil and gas, in public lands of the United States heretofore or hereafter withdrawn or reserved by the United States for the use of defense agencies.

COMMITTEE CONCLUSION, RECOMMENDATION

In recommending early favorable action on H. R. 5538, the committee wishes to reiterate what it said above:

The program for the defense of our Nation's human and natural resources should not—and must not—be so conducted as to destroy the very resources it is aimed at preserving.

H. R. 5538 is a bill for the recapture by the Congress of a degree of those powers which the executive branch of the Government has acquired over a long period of years with respect to utilization of this Nation's most valuable assets, the human and natural resources of the public lands.

Its early enactment will operate to return to the legislative branch the degree of control the committee believes necessary to assure that defense use of the public lands presently held will more nearly conform to long-established maximum public multiple resource use policy, and will make certain that future public lands acquisition by the military will be so conditioned as to assure conformance with the same policy.

The House Committee on Interior and Insular Affairs unanimously recommends the enactment of H. R. 5538.

DEPARTMENTAL REPORTS

The reports of the Department of Defense and the Department of the Interior on H. R. 627, which as a clean bill is herewith reported as H. R. 5538, are set out following, together with the aforementioned letter from the Office of the Administrator, Alaska Wildlife Resources, speaking both for his agency and the Alaska Game Commission.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., February 4, 1957.

HON. CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.*

DEAR MR. ENGLE: This is in reply to your request for the views of this Department on H. R. 608, H. R. 627, H. R. 1148, and H. R. 3403, all of which are bills to provide that withdrawals or reservations of more than five thousand acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress.

We would have no objection to the enactment of these bills.

H. R. 608, H. R. 627, H. R. 1148, and H. R. 3403 are identical bills which concern the withdrawal, reservation, and utilization for defense purposes of the public lands of the United States, except in time of war or national emergency declared by the President or by act of Congress. Their basic provision, which is contained in section 2, is a requirement that withdrawals or reservations of more than 5,000 acres in the aggregate for the use of the Department of Defense for defense purposes be made only by act of Congress. Section 1 provides that for the purpose of this act the term "public lands" will include Federal lands and waters off the coast of the Territory of Alaska and the lands and waters of the Outer Continental Shelf. It is our understanding that the provisions of section 2 of the bills would apply to all areas of public lands, including water areas on the Outer Continental Shelf, which are not at present withdrawn by acts of Congress, proclamations, Executive orders, or public-land orders, and that any water or land areas which may at present be used by the Department of Defense or which may be rendered dangerous or unsuited to surface use or mineral exploration and development by reason of air activity on the part of that

Department could not, if any one of the bills is enacted, be used in such manner unless or until the land was withdrawn or reserved pursuant to the provisions of the resulting legislation.

Section 12 (d) of the Outer Continental Shelf Lands Act (67 Stat. 469; 43 U. S. C., sec. 1341 (d)) provides for the designation of restricted areas on the Outer Continental Shelf rather than for their "withdrawal or reservation," and, although sections 2, 3, and 6 of the bills refer only to "withdrawals and reservations," it appears that the language of section 1 is broad enough to include such designations. If, however, there is any doubt in this regard, it is suggested that sections 2, 3, and 6 be amended to include such designations since, otherwise, the purpose sought by the proposed legislation might be defeated. These bills would in effect amend subsections (a) and (d) of section 12 of the Outer Continental Shelf Lands Act insofar as areas of more than 5,000 acres are concerned. At this time no restricted areas have been designated in accordance with section 12 (d).

Section 3 sets forth in detail the information which must be given in any application for a withdrawal or reservation of more than 5,000 acres filed by or on behalf of any agency of the Department of Defense. The agency would be required, in addition to giving other information, to say whether, and to what extent, the proposed use would affect the continuing full operation of the public land laws and Federal regulations relating to conservation, utilization, and development of mineral resources, timber and other material resources, water resources, grazing resources, fish and wildlife resources, and scenic, wilderness, and recreational resources. Moreover, if effecting the purpose for which an area is to be withdrawn or reserved would involve the use of water in any State lying in whole or in part west of the 98th meridian, the agency would be required to state whether it, subject to existing rights under law, had acquired or intended to acquire rights to the use of the water in conformity with state laws and procedures relating to the control, appropriation, use, and distribution of water. Though section 3 sets forth in considerable detail the information to be included in applications for withdrawals or reservations of public lands of more than 5,000 acres, it does not go further into the problem of what is involved in such applications. We assume, therefore, that the initial procedures to be followed would be substantially those established for the withdrawal or reservation of lands for the use of Federal or State agencies, 43 C. F. R. 295.9 et seq (1954). If such procedures were followed, we assume that it would then be the responsibility of the Secretary of the Interior to forward to the Congress the application for a withdrawal or reservation of more than 5,000 acres.

Under section 4 the head of each military department would, with respect to each military installation under his jurisdiction, be directed to require that all hunting, trapping, and fishing be in accordance with the fish and game laws (including, in general, laws requiring licenses) of the State or Territory in which the installation or facility was situated and to afford adequate access to State and Territorial fish and game representatives for the purpose of effecting measures for the management, conservation, and harvesting of fish and game resources. Any person, found guilty of an act or omission violating a requirement established under section 4 when the act or omission

would be punishable if done within the jurisdiction of the State or Territory within the boundaries of which the installation or facility is situated, would be subject to the same penalties as those prescribed by the State or Territory for such an act or omission. The hunting, fishing, and trapping rights of Indians would be protected. The apparent objectives of section 4, namely, the preservation of wildlife and the coordination of enforcement and conservation measures, are laudable. We suggest, however, that the procedures may raise serious jurisdictional questions.

Section 5 would amend section 3 (d) of the Federal Property and Administrative Services Act (63 Stat. 378), as amended (40 U. S. C., sec. 472 (d)), to grant the Secretary of the Interior a greater degree of control than he possesses at present over the disposition of public domain lands which are found to be excess to the needs of the Federal Government. The principal change is to vest in the Secretary of the Interior, with the concurrence of the Administrator of General Services, the determination of whether lands withdrawn or reserved from the public domain, which are no longer needed for the purpose for which they were withdrawn or reserved, are suitable for return to the public domain for disposition under the public-land laws. Under the existing law the determination is made by the Administrator with the concurrence of the Secretary. The proposed change is highly desirable. Section 3 (d) would also be amended so that it would specifically provide that minerals in excess withdrawn or reserved public lands which the Secretary of the Interior determines to be suitable for disposition under the public land mining and mineral leasing laws be disposed of under those laws. This amendment is also desirable.

Section 6 provides that all withdrawals and reservations of public lands for the use of the Department of Defense (except lands withdrawn or reserved specifically as naval petroleum, oil shale, or coal reserves shall be deemed to be subject to the condition that all minerals in those lands so withdrawn or reserved are under the jurisdiction of the Secretary of the Interior and that no disposition shall be made of minerals in such lands except under the applicable public-land mining and mineral leasing laws. Although such a provision may not be necessary, we regard its enactment as desirable. It would continue to be a matter of discretion whether the minerals in the lands in question would be made subject to disposal, and deposits would not be opened to disposition, if it would be contrary to the public interest (including national security). Under long-established procedures of the Department of the Interior no disposition is made of minerals within withdrawn or reserved areas without the concurrence of the head of the agency administering the withdrawn or reserved lands. If the Congress wants the mining laws to apply to these withdrawals and reservations, section 6 should be amended to provide that mining locations would be subject to the primary right of the Department of Defense to use the lands for defense purposes so long as the withdrawal or reservation is maintained, and to provide for appropriate reservations in patents. This would be consistent with such recent legislation as the act of August 11, 1955 (69 Stat. 682; 30 U. S. C., secs. 621-625), which opened lands in power site withdrawals to mineral development subject to the paramount right of the United States to use the lands for power purposes.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

HATFIELD CHILSON,
Assistant Secretary of the Interior.

DEPARTMENT OF THE AIR FORCE,
Washington, January 28, 1957.

HON. CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives.*

DEAR MR. CHAIRMAN: The Department of the Air Force on behalf of the Department of Defense is submitting this supplementary report with respect to the views of the Department of Defense on H. R. 12185, 84th Congress, reintroduced as H. R. 627, 85th Congress, a bill to provide that withdrawals or reservations of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress.

On April 21, 1956, the Air Force expressed to you opposition to H. R. 9448, 84th Congress, a bill to provide that public lands of the United States shall not be withdrawn or reserved for defense purposes except by act of Congress. Later the bill was superseded by H. R. 10362, 10366, 10367, 10371, 10372, 10377, 10380, 10384, 10394, and 10396, bills to provide that withdrawals or reservations of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress. In our report to you on those bills, dated June 12, 1956, no objection was taken to the main purpose of the legislation which would require an act of Congress where a defense agency desires to withdraw or reserve an area of public land exceeding 5,000 acres. However, objection was made to section 4; which, in addition to other things, proposed State or Territorial control of hunting and fishing in public lands held by defense agencies under exclusive Federal legislative jurisdiction and which would have directly or indirectly required military personnel in some cases to purchase nonresident licenses in order to hunt or fish in such areas. Objection was also made to section 6, which would have required State control of water utilization in such areas. This Department's report also recommended clarification of section 3, which would require the making and filing of an application where an agency of the Defense Department seeks to withdraw or reserve over 5,000 acres of public lands.

In his letter to you, dated June 28, 1956, Secretary of Defense, Charles E. Wilson, expressed a desire, held equally by each of the military departments, to cooperate with your committee in its views, regarding hunting and fishing and he reiterated in detail the problem relating to nonresident hunting and fishing licenses.

The subsequent introduction of H. R. 12185, a clean bill bearing the same title as H. R. 10362, above, accomplished certain changes in the proposed legislation. Section 4, dealing with hunting and fishing, was modified to conform substantially with the drafting service provided by this Department in cooperation with representatives of the Army

and Navy and the Department of Defense. There is now no objection to section 4. However, you may wish to consider bringing section 4 into conformity with title 10 of the United States Code by enacting it as an amendment to that title. To assist your committee, should you wish to conform section 4, I attach a draft intended to accomplish that purpose without changing the substance of the section. Section 6, the water control section, has been deleted from H. R. 12185, and section 3, the application section, has been clarified through references made on page 39 of House Report 2856, 84th Congress, 2d session.

However, in the closing days of the 2d session of the 84th Congress, H. R. 12185 was introduced, reported without amendment, and passed by the House of Representatives. Time did not permit action by the Senate, nor did it permit adequate consideration by the Department of Defense of new proposals which were not mentioned in the former bills. For one thing, the scope of the legislation was broadened by H. R. 12185 to cover withdrawals or reservations of Federal lands and waters of the outer Continental Shelf and Federal lands and waters off the coast of the Territory of Alaska. It also added a new section 6 declaring that all minerals in withdrawn or reserved public lands except lands withdrawn or reserved specifically as naval petroleum, naval oil shale, or naval coal reserves are under the jurisdiction of the Secretary of the Interior, and that no disposition thereof shall be made except under the applicable public land mining and mineral leasing laws.

The provision in section 1 of the bill raises certain questions which need clarification. While it appears from the bill as presently worded that the President's authority under existing law to set aside as naval petroleum reserves any lands already withdrawn or reserved is not impaired, it appears that the bill would preclude the President from withdrawing or reserving additional lands for such purposes. The Department of Defense considers it essential that the President retain this authority. The bill recognizes the fact that naval petroleum reserves present a different problem and has specifically excluded such reservations or withdrawals from section 6 of the proposed legislation. It is therefore recommended that section 1 of the bill be amended by adding thereto the following:

"Provided further, That nothing in this Act shall affect the President's authority to withdraw or reserve lands specifically as naval petroleum, naval oil shale, or naval coal reserves."

The bill also refers to withdrawals and reservations. Section 12 (d) of the Outer Continental Shelf Lands Act, Public Law 212, 83d Congress (67 Stat. 472), permits "designation" of areas falling within the definition of the outer Continental Shelf by the Secretary of Defense with the approval of the President. One question is whether the bill would apply to such designations. If so, then the bill repeals by implication the authority granted in section 12 (d) to the extent that any designations thereunder covers 5,000 or more acres of the outer Continental Shelf as defined in the act. Further, as to such areas as may have been designated pursuant to section 12 (d) by the Secretary of Defense and not yet approved by the President, will the bill require for these areas that an act of Congress be obtained? In addition, prior to the passage of the Outer Continental Shelf Act certain areas which

would now fall within the definition of the outer Continental Shelf were designated as warning areas for defense purposes. Insofar as such areas may have covered more than 5,000 acres, would it be required under this bill that an act of Congress be obtained as a condition precedent to continued utilization? As to the latter two cases it is believed the bill should not apply in any event. It would seem, therefore, that to preclude possible misconstruction of the language of the bill, further clarification as to the application of the provision is desirable.

Section 6 would permit leasing to private interests and use by other Government agencies of public lands set aside for military purposes. We feel very strongly that a condition should not be created wherein the activities of other Government agencies and private interests could inadvertently impair the effectiveness of military operations, and thus defeat the purpose for which such public lands have been set aside. Accordingly, it is recommended that section 6 be revised as follows in order to protect national defense interests:

"SEC. 6. All withdrawals and reservations of public land for use of any agency of the Department of Defense, except lands withdrawn or reserved specifically as naval petroleum, naval oil shale, or naval coal reserves, which are heretofore or hereafter made by the United States, shall be deemed to be subject to the condition that all minerals in the lands so withdrawn or reserved are under the jurisdiction of the Secretary of the Interior, and no disposition shall be made of minerals in such lands except under the applicable public land mining and mineral leasing laws: *Provided*, That no disposition shall be made of mineral rights in such lands where the Secretary of Defense determines that such disposition is inconsistent with the military use of the lands so withdrawn or reserved."

Since section 6 of the prior bills, which deals with water rights, was eliminated from H. R. 12185, it is therefore suggested that subsection (8) of section 3 be deleted from the bill.

The Department of Defense considers that the legislation would not affect permits granted by the Department of the Interior to the military departments as distinct from withdrawals or reservations.

This supplementary report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

When the Bureau of the Budget clearance is obtained, your committee will be so informed.

Sincerely yours,

LYLE S. GARLOCK,
Assistant Secretary of the Air Force.

H. R. 627

Strike out beginning on line 8, page 4, through line 24, page 5, and insert the following in place thereof:

"SEC. 4. Chapter 159 of title 10, United States Code, is amended as follows:

"(1) By adding the following new section at the end:

"§ 2671. *Military reservations and facilities: hunting, fishing, and trapping*

“(a) The Secretary of each military department shall, with respect to each military installation or facility under the jurisdiction of his department in a State or Territory—

“(1) require that all hunting, fishing, and trapping at that installation or facility be in accordance with the fish and game laws of the State or Territory in which it is located;

“(2) require that an appropriate license for hunting, fishing, or trapping on that installation or facility be obtained, except that with respect to members of the Armed Forces, such a license may be required only if the State or Territory authorizes the issuance of a license to a member on active duty for a period of more than 30 days at an installation or facility within that State or Territory, without regard to residence requirements, and upon terms not less favorable than the terms upon which such a license is issued to residents of that State or Territory; and

“(3) develop, subject to safety requirements and military security, and in cooperation with the Governor (or his designee) of the State or Territory in which the installation or facility is located, procedures under which designated fish and game or conservation officials of that State or Territory may, at such time and under such conditions as may be agreed upon have full access to that installation or facility to effect measures for the management, conservation, and harvesting of fish and game resources.

“(b) The Secretary of each military department with the approval of the Secretary of Defense, shall prescribe regulations to carry out this section.

“(c) Whoever is guilty of an act or omission which violates a requirement prescribed under subsection (a) (1) or (2), which act or omission would be punishable if committed or omitted within the jurisdiction of the State or Territory in which the installation or facility is located, by the laws thereof in effect at the time of that act or omission, is guilty of a like offense and is subject to a like punishment.

“(d) This section does not modify any rights granted by treaty or otherwise to any Indian tribe or to the members thereof.”

“(2) By adding the following new item at the end of the analysis: “2671. Military reservations and facilities: hunting, fishing, and trapping.”

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
OFFICE OF THE ADMINISTRATOR,
ALASKA WILDLIFE RESOURCES,
Juneau, Alaska, February 5, 1957.

CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
Washington, D. C.*

DEAR MR. ENGLE: As requested by you during my recent appearance before your committee, I am furnishing herewith desired information pertaining to the impact of the military on wildlife management in Alaska.

Since the Territory of Alaska does not issue hunting licenses, we believe the wording in section 4 of the act should use the term "appropriate licensing authority." Certainly we hope the final draft will not set up special privileges on or off military reservations as such would pose a difficult problem for us. Following is our suggested wording:

On page 4, starting with line 17, stopping page 5, end of line 2, "(2) require that licenses for hunting, trapping, or fishing be obtained from the appropriate licensing authority having jurisdiction in the State or Territory where such installation or facility is located. With respect to members of the Armed Forces, except in Alaska, such licenses will be required if such licensing authority of the State or Territory provides for the issuance of a license to a member of the Armed Forces on bona fide military duty for not less than thirty days at any installation or facility therein, without regard to residence requirements, and upon terms no less favorable than those terms upon which such a license is issued to residents of each State or Territory. The issuance of licenses to members of the Armed Forces in Alaska shall be in accordance with the provisions of the Alaska Game Law; and * * *."

The Alaska game law, act of January 13, 1925, as amended, is the basic law under which the United States Fish and Wildlife Service regulates and manages the sports fisheries and wildlife of Alaska. Among other items this law requires a person to be a bona fide resident of Alaska for a period of 12 months in order to acquire a resident hunting or fishing license. This requirement has been in effect since passage of the original act and applies equally to all persons. To the best of our knowledge no one in the military at the Alaska level has ever asked for a special provision for the military to grant residence on less time than is required of civilians. They are now in process of putting out a military order spelling out the 1-year requirement and arbitrarily stating no one in the military can retain residence status in Alaska unless he continues to be officially stationed here. A copy of this proposed order is attached.

The military in Alaska has also issued orders prohibiting the use of military rifles for hunting and prohibiting use of military vehicles for off-highway hunting. To our knowledge the first of these is occasionally violated and the second is more frequently violated. We do not have power to enforce it, of course.

We have an informal agreement with the military that they will not establish a recreational hunting or fishing camp without our concurrence to prevent over exploitation of resources in local areas. This has worked reasonably well. Again, it is a concession on their part since no law compels such action. Generally, we jointly attempt to prevent serious conflicts between military and civilian hunters and fishermen.

Each year the military provides from 6 to 12 men to assist enforcement of the game and fish regulations. They admit the military has caused us a problem, primarily because of our very limited means, and they accept some responsibility to help with it. These men are generally furnished with military vehicles and are granted authority by us to enforce the Alaska game law. During the heavy fall hunting season these men are usually assigned to work under supervision of

our regular agents. Theoretically they apply enforcement to members of the armed services but actually they assist with cases involving civilians as well. In the field it is almost impossible to distinguish military personnel from civilians except by personal questioning.

Each military establishment has a designated conservation officer and one is attached to the office of commander in chief, Alaska. The individual conservation officers at field installations have not been as active or effective as we had hoped.

As stated before your committee, it is our experience a greater hunting and fishing pressure is exerted by military personnel than by an equal number of civilians. This is not meant in a derogatory sense but is simply a fact we must consider in overall management. A nonresident fishing license, good for 1 year, is sold for \$2.50. Nonresident small-game licenses, including fishing, sell for \$10. We are confident these licenses are well within the reach of all military or civilian nonresidents. It is only in the big game field that we are concerned and this is our reason for wanting to keep the present 1-year license requirements. Alaska generally has more nonresident than moose or sheep. When military installations are placed in outlying spots there is usually a conflict with the local residents who depend on wildlife for a living. The 1-year residence requirement minimizes this situation with regard to our big game.

It is difficult for us to get a firm figure on licenses sold to military personnel as they are often not identified as such. We estimate 40 to 45 percent of all licenses are sold to them. About 60,000 licenses are sold each year. Native Indians and Eskimos are not required to have one. Approximately 30 percent of convictions for game law violations involve military personnel. This may not have a direct relationship to violations which are not detected, but it does indicate the conservation program conducted by the military is of benefit.

We are attaching a copy of our current game regulations and again wish to express appreciation for being allowed to present testimony to your committee.

Sincerely yours,

CLARENCE J. RHODE,
Wildlife Administrator.

HEADQUARTERS, ALASKAN COMMAND,
OFFICE OF THE ASSISTANT CHIEF OF STAFF, J-1,
Seattle, Wash., November 9, 1956.

Mr. CLARENCE RHODE,
*Wildlife Administrator,
United States Fish and Wildlife Service,
Juneau, Alaska.*

DEAR MR. RHODE: Existing Alaskan Command regulations direct military installation commanders to make suitable arrangements for the on-station sale and issuance of hunting and fishing licenses and stamps to military personnel, civilian employees, and dependents of both groups. Our regulations also require such persons to purchase the appropriate licenses as required by law and to familiarize themselves with applicable provisions of the Alaska game laws and regulations prior to hunting or fishing in the Territory.

As you well know, the length of time military personnel reside in Alaska is controlled by military orders, whereas nonmilitary persons generally enter and leave the Territory at their own discretion. Because our personnel lack this freedom of choice, we are presently contemplating a modification of regulations which would provide guidance as to their eligibility for resident licenses, provided you concur therein. It is believed that publication of such information would be particularly helpful to new arrivals; furthermore it would help eliminate inadvertent abuse of the residence requirements by those previously stationed in Alaska.

The following guidance has been developed by the staff after careful consideration of the game laws and their legislative history and bears the approval of our legal advisers.

"Military personnel, civilian employees of the military service, and dependents of both groups will abide by the following criteria when obtaining fishing or hunting licenses:

"1. Newly arrived personnel must be assigned to a station in Alaska for the 12-month period immediately preceding the application in order to qualify for a resident license. This period begins on the date of actual arrival in the Territory, not the date of departure from the United States.

"2. Personnel departing Alaska for a permanent change of station may continue using currently valid resident licenses (if they should return to Alaska) until the expiration date. They are not authorized to obtain a succeeding resident license, either by mail or while temporarily visiting Alaska. Upon return to Alaska on a permanent change of station, such individuals must reestablish their right to resident privileges by completion of the 12-month period.

"3. Accumulated periods of temporary residence in Alaska do not qualify an individual for resident privileges.

"4. Temporary absence from Alaska does not affect an individual's resident privileges."

Your comments on the proposed publication are solicited.

Sincerely,

H. D. SMITH, Jr.,
Colonel, United States Air Force,
Assistant Chief of Staff, J-1.

CHANGES IN EXISTING LAW

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman) :

CHAPTER 159 OF TITLE 10, UNITED STATES CODE

CHAPTER 159.—REAL PROPERTY; RELATED PERSONAL PROPERTY; AND LEASE OF NONEXCESS PROPERTY

Sec.

2661. Planning and construction of public works projects by military departments.

2662. Real property transactions: agreement with Armed Services Committees; reports.

Sec.

- 2663. Acquisition.
- 2664. Acquisition of property for lumber production.
- 2665. Sale of certain interests in land; logs.
- 2666. Acquisition: land purchase contracts; limitation on commission.
- 2667. Leases: nonexcess property.
- 2668. Easements for rights-of-way.
- 2669. Easements for rights-of-way: gas, water, sewer pipe lines.
- 2670. Licenses: military installations; erection and use of buildings; American National Red Cross.
- 2671. *Military reservations and facilities: hunting, fishing, and trapping.*

* * * * * *

§ 2670. Licenses: military installations; erection and use of buildings;
American National Red Cross

Under such conditions as he may prescribe, the Secretary of any military department may issue a revocable license to the American National Red Cross to—

- (1) erect and maintain, on any military installation under his jurisdiction, buildings for the storage of supplies; or
- (2) use, for the storage of supplies, buildings erected by the United States.

Supplies stored in buildings erected or used under this section are available to aid the civilian population in a serious national disaster.

§ 2671. *Military reservations and facilities: hunting, fishing, and trapping*

(a) *The Secretary of Defense shall, with respect to each military installation or facility under the jurisdiction of any military department in a State or Territory—*

(1) require that all hunting, fishing, and trapping at that installation or facility be in accordance with the fish and game laws of the State or Territory in which it is located;

(2) require that an appropriate license for hunting, fishing, or trapping on that installation or facility be obtained, except that with respect to members of the Armed Forces, such a license may be required only if the State or Territory authorizes the issuance of a license to a member on active duty for a period of more than thirty days at an installation or facility within that State or Territory, without regard to residence requirements, and upon terms otherwise not less favorable than the terms upon which such a license is issued to residents of that State or Territory; and

(3) develop, subject to safety requirements and military security, and in cooperation with the Governor (or his designee) of the State or Territory in which the installation or facility is located, procedures under which designated fish and game or conservation officials of that State or Territory may, at such time and under such conditions as may be agreed upon, have full access to that installation or facility to effect measures for the management, conservation, and harvesting of fish and game resources.

(b) The Secretary of Defense shall prescribe regulations to carry out this section.

(c) Whoever is guilty of an act or omission which violates a requirement prescribed under subsection (a) (1) or (2), which act or omission would be punishable if committed or omitted within the jurisdiction

of the State or Territory in which the installation or facility is located, by the laws thereof in effect at the time of that act or omission, is guilty of a like offense and is subject to a like punishment.

(d) This section does not modify any rights granted by treaty or otherwise to any Indian tribe or to the members thereof.

SECTION 3 (d) OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 (63 STAT. 377), AS AMENDED

* * * * *

SEC. 3. As used in this Act—

* * * * *

(d) **【**The term “property” means any interest in property of any kind except (1) the public domain (including lands withdrawn or reserved from the public domain which the Administrator, with the concurrence of the Secretary of the Interior, determines are suitable for return to the public domain for disposition under the general public-land laws because such lands are not substantially changed in character by improvements), and lands reserved or dedicated for national forest or national park purposes; (2) naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines; and (3) records of the Federal Government.**】**

The term “property” means any interest in property except (1) the public domain; lands reserved or dedicated for national forest or national park purposes; minerals in lands or portions of lands withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws; and lands withdrawn or reserved from the public domain except lands or portions of lands so withdrawn or reserved which the Secretary of the Interior, with the concurrence of the Administrator, determines are not suitable for return to the public domain for disposition under the general public-land laws because such lands are substantially changed in character by improvements or otherwise; (2) naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines; and (3) records of the Federal Government.

* * * * *



Union Calendar No. 61

85TH CONGRESS
1ST SESSION

H. R. 5538

[Report No. 215]

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 1957

Mr. ENGLE introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

MARCH 21, 1957

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To provide that withdrawals, reservations, or restrictions of more than five thousand acres of public lands of the United States for certain purposes shall not become effective until approved by Act of Congress, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, notwithstanding any other provisions of law, except
4 in time of war or national emergency hereafter declared by
5 the President or the Congress, on and after the date of enact-
6 ment of this Act the provisions hereof shall apply to the
7 withdrawal and reservation for, restriction of, and utilization
8 by, the Department of Defense for defense purposes of the

1 public lands of the United States, including public lands in
2 the Territories of Alaska and Hawaii: *Provided*, That—

3 (1) for the purposes of this Act, the term “public
4 lands” shall be deemed to include, without limiting the
5 meaning thereof, Federal lands and waters of the Outer
6 Continental Shelf, as defined in section 2 of the Outer
7 Continental Shelf Lands Act (67 Stat. 462), and Fed-
8 eral lands and waters off the coast of the Territories of
9 Alaska and Hawaii;

10 (2) nothing in this Act shall be deemed to be
11 applicable to the withdrawal or reservation of public
12 lands specifically as naval petroleum, naval oil shale,
13 or naval coal reserves;

14 (3) nothing in this Act shall be deemed to be
15 applicable to the warning areas in the Federal lands and
16 waters of the Outer Continental Shelf and Federal lands
17 and waters off the coast of the Territory of Alaska set
18 aside by the military departments prior to the enact-
19 ment of the Outer Continental Shelf Lands Act (67
20 Stat. 462) ; and

21 (4) nothing in this Act shall be deemed to be
22 applicable to those reservations or withdrawals which
23 expired due to the ending of the unlimited national
24 emergency and which subsequent to such expiration

1 have been and are now used by the military depart-
2 ments with the concurrence of the Department of the
3 Interior.

4 SEC. 2. No public land, water, or land and water area
5 shall, except by Act of Congress, hereafter be (1) with-
6 drawn from settlement, location, sale, or entry for the use
7 of the Department of Defense for defense purposes; (2) re-
8 served for such use; or (3) restricted from operation of the
9 mineral leasing provisions of the Outer Continental Shelf
10 Lands Act (67 Stat. 462), if such withdrawal, reservation,
11 or restriction would result in the withdrawal, reservation, or
12 restriction of more than five thousand acres in the aggregate
13 for any one defense project or facility of the Department of
14 Defense since the date of enactment of this Act or since the
15 last previous Act of Congress which withdrew, reserved, or
16 restricted public land, water, or land and water area for
17 that project or facility, whichever is later.

18 SEC. 3. Any application hereafter filed for a withdrawal,
19 reservation, or restriction, the approval of which will, under
20 section 2 of this Act, require an Act of Congress, shall
21 specify—

22 (1) the name of the requesting agency and in-
23 tended using agency;

24 (2) location of the area involved, to include a de-

1 tailed description of the exterior boundaries and ex-
2 cepted areas, if any, within such proposed withdrawal,
3 reservation, or restriction;

4 (3) gross land and water acreage within the exte-
5 rior boundaries of the requested withdrawal, reservation,
6 or restriction, and net public land, water, or public land
7 and water acreage covered by the application;

8 (4) the purpose or purposes for which the area is
9 proposed to be withdrawn, reserved, or restricted, or
10 if the purpose or purposes are classified for national
11 security reasons, a statement to that effect;

12 (5) whether the proposed use will result in con-
13 tamination of any or all of the requested withdrawal,
14 reservation, or restriction area, and if so, whether such
15 contamination will be permanent or temporary;

16 (6) the period during which the proposed with-
17 drawal, reservation, or restriction will continue in effect;

18 (7) whether, and if so to what extent, the proposed
19 use will affect continuing full operation of the public land
20 laws and Federal regulations relating to conservation,
21 utilization, and development of mineral resources, timber
22 and other material resources, grazing resources, fish and
23 wildlife resources, water resources, and scenic, wilder-
24 ness, and recreation and other values; and

25 (8) if effecting the purpose for which the area is

1 proposed to be withdrawn, reserved, or restricted, will
2 involve the use of water in any State, whether, subject
3 to existing rights under law, the intended using agency
4 has acquired, or proposes to acquire, rights to the use
5 thereof in conformity with State laws and procedures
6 relating to the control, appropriation, use, and distribu-
7 tion of water.

8 SEC. 4. Chapter 159 of title 10, United States Code, is
9 amended as follows:

10 (1) By adding the following new section at the end:

11 “§ 2671. Military reservations and facilities: hunting, fish-
12 ing, and trapping

13 “(a) The Secretary of Defense shall, with respect to
14 each military installation or facility under the jurisdiction
15 of any military department in a State or Territory—

16 “(1) require that all hunting, fishing, and trapping
17 at that installation or facility be in accordance with
18 the fish and game laws of the State or Territory in
19 which it is located;

20 “(2) require that an appropriate license for hunt-
21 ing, fishing, or trapping on that installation or facility
22 be obtained, except that with respect to members of
23 the Armed Forces, such a license may be required only
24 if the State or Territory authorizes the issuance of a

1 license to a member on active duty for a period of more
2 than thirty days at an installation or facility within that
3 State or Territory, without regard to residence require-
4 ments, and upon terms otherwise not less favorable than
5 the terms upon which such a license is issued to resi-
6 dents of that State or Territory; and

7 “(3) develop, subject to safety requirements and
8 military security, and in cooperation with the Governor
9 (or his designee) of the State or Territory in which
10 the installation or facility is located, procedures under
11 which designated fish and game or conservation officials
12 of that State or Territory may, at such time and under
13 such conditions as may be agreed upon, have full access
14 to that installation or facility to effect measures for the
15 management, conservation, and harvesting of fish and
16 game resources.

17 “(b) The Secretary of Defense shall prescribe regu-
18 lations to carry out this section.

19 “(c) Whoever is guilty of an act or omission which
20 violates a requirement prescribed under subsection (a) (1)
21 or (2), which act or omission would be punishable if com-
22 mitted or omitted within the jurisdiction of the State or
23 Territory in which the installation or facility is located, by
24 the laws thereof in effect at the time of that act or omission,
25 is guilty of a like offense and is subject to a like punishment.

1 “(d) This section does not modify any rights granted by
2 treaty or otherwise to any Indian tribe or to the members
3 thereof.”

4 (2) By adding the following new item at the end of the
5 analysis:

“2671. Military reservations and facilities: hunting, fishing, and trapping.”

6 SEC. 5. The Federal Property and Administrative Serv-
7 ices Act of 1949 (63 Stat. 377), as amended, is hereby
8 further amended by revising section 3 (d) to read as
9 follows:

10 “(d) The term ‘property’ means any interest in prop-
11 erty except (1) the public domain; lands reserved or dedi-
12 cated for national forest or national park purposes; min-
13 erals in lands or portions of lands withdrawn or reserved
14 from the public domain which the Secretary of the Interior
15 determines are suitable for disposition under the public land
16 mining and mineral leasing laws; and lands withdrawn or
17 reserved from the public domain except lands or portions of
18 lands so withdrawn or reserved which the Secretary of the
19 Interior, with the concurrence of the Administrator, deter-
20 mines are not suitable for return to the public domain for
21 disposition under the general public-land laws because such
22 lands are substantially changed in character by improve-
23 ments or otherwise; (2) naval vessels of the following

1 categories: Battleships, cruisers, aircraft carriers, destroyers,
2 and submarines; and (3) records of the Federal Govern-
3 ment.”

4 SEC. 6. All withdrawals or reservations of public lands
5 for the use of any agency of the Department of Defense,
6 except lands withdrawn or reserved specifically as naval pe-
7 troleum, naval oil shale, or naval coal reserves, heretofore or
8 hereafter made by the United States, shall be deemed to be
9 subject to the condition that all minerals, including oil and
10 gas, in the lands so withdrawn or reserved are under the
11 jurisdiction of the Secretary of the Interior and there shall be
12 no disposition of, or exploration for, any minerals in such
13 lands except under the applicable public land mining and
14 mineral leasing laws: *Provided*, That no disposition of, or
15 exploration for, any minerals in such lands shall be made
16 where the Secretaries of Defense and Interior determine that
17 such disposition or exploration is inconsistent with the mili-
18 tary use of the lands so withdrawn or reserved.

85TH CONGRESS
1ST SESSION

H. R. 5538

[Report No. 215]

A BILL

To provide that withdrawals, reservations, or restrictions of more than five thousand acres of public lands of the United States for certain purposes shall not become effective until approved by Act of Congress, and for other purposes.

By Mr. ENGLE

MARCH 4, 1957

Referred to the Committee on Interior and Insular
Affairs

MARCH 21, 1957

Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued March 29, 1957
For actions of March 28, 1957
85th-1st, No. 54

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HIGHLIGHTS: Senate committee reported poultry inspection bill. Senate passed omnibus public works bill. House debated Labor-HEW appropriation bill. House Rules Committee cleared military land withdrawals bill. Rep. Schwengel criticized delay in action on corn bill. Sens. Douglas and Curtis introduced and Sen. Douglas discussed bill to provide alcohol butadiene research program. Sen. Aiken introduced and discussed bill to authorize dairy cooperatives to bargain with purchasers singly or in groups. Rep. Coad proposed and discussed measure to investigate manner in which CCC sells certain commodities.

HOUSE

1. APPROPRIATIONS. Continued debate on H.R. 6287, the Labor-HEW appropriation bill for 1958 (pp. 4137-67, 4169, A2535). Agreed, 83 to 82, to an amendment by Rep. Jonas to reduce the funds for the Food and Drug Administration from \$9,300,000 to \$7,973,000 (pp. 4156-67).
Rep. Rhodes spoke in favor of legislation to require the President to submit in his budget a figure to ^{be} used to pay on the public debt. pp. 4174-75
Rep. Fascell urged that the budget be cut, and inserted a letter and newspaper article on the subject. pp. 4193-97
2. FORESTRY. The Rules Committee reported a resolution for consideration of H.R. 5538, to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the U. S. shall not become effective until approved by Congress (H. Rept. 287). pp. 4168, 4198
3. FARM PROGRAM. Rep. Schwengel criticized the delay in passage of corn legislation and stated that he had decided to state the "facts about this controversy as I see them." pp. 4169-70
4. DISASTER RELIEF. Both Houses received from the President a report on the administration of Federal disaster relief as required under Public Law 875, 81st Congress (H. Doc. 142). pp. 4053, 4136

5. TAXATION. Concurred in the Senate amendments to H.R. 4090, to extend the present corporate income and certain excise tax rates for 15 months. This bill is now ready for the President. pp. 4136-7
6. FOREIGN TRADE. The Rules Committee reported a resolution for consideration of H.R. 4136, to extend the period within which the Export-Import Bank of Washington may make loans (H. Rept. 286). pp. 4167-68
7. FOREIGN AID. Rep. Meader inserted his Reader's Digest article, "Our Foreign-Aid Program - A Bureaucratic Nightmare," and copies of a number of letters he had received concerning the article. pp. 4182-90

SENATE

8. FOOD SUPPLY. Received a proposed bill from the President of the Board of Commissioners, District of Columbia, to amend the District of Columbia Public School Food Services Act; to the District of Columbia Committee. pp. 4053-4
9. TRANSPORTATION. Received a N. D. Legislature resolution opposing passage of the bill to repeal the long-and-short-haul clause of the Interstate Commerce Act, in the interests of preventing lower rates for long hauls than for short ones. p. 4054
10. FARM PROGRAM. Sen. Humphrey inserted a resolution from Co-op Services, Inc., New York Mills, Minn., favoring a production payment system to assure 100% of parity returns to family farmers, and stating "farmers and business . . . are greatly disturbed by the Secretary of Agriculture's present policies." p. 4056
11. POULTRY. The Agriculture and Forestry Committee reported S. 1747, an original bill to provide for the compulsory inspection by this Department of poultry and poultry products (S. Rept. 195). p. 4056
12. PUBLIC WORKS. Passed with amendments, S. 497, the Rivers and Harbors and Flood Control Acts of 1957, by a 42-to-22 vote (p. 4133). Adopted Committee amendments en bloc (pp. 4070-1).

Agreed to the following amendment: by Sen. Barrett; to insure that conservation water storage space be used in accord with state law (pp. 4124-5).

Rejected the following amendments: by Sen. Douglas to authorize the President to postpone 25% of the projects least essential (pp. 4072-98), including comments by Sen. Neuberger on the comparative soil bank payments to Nebr., Ill., and Ore. (p. 4083); by Sen. Hruska, to recommit the bill with instructions, 27-55 (pp. 4101-12); by Sen. Neuberger to delete the Bruce Eddy Dam in Ida. (pp. 4112-19); by Sen. Watkins to strike out a section dealing with State water rights (pp. 4119-24); by Sen. Case to increase payments to landowners for land acquired for reservoir purposes (pp. 4126-9); and by Sen. Watkins to provide that State and local governments assume 50% or more of the construction and operation costs (pp. 4129-32).
13. LEGISLATIVE PROGRAM. Sen. Johnson announced that consideration of the following bills, among others, would begin on Mar. 29; S. 1585, to provide for a joint committee on the budget; S. 685 and H.R. 4813, to extend the life of the D. C. Auditorium Commission; S. 1034, to authorize the transfer of the Midwest Claypan Research station to the U. of Mo.; S. 812, to freeze price supports for extra long staple cotton at 75% of parity; S. 1314, to extend

CONSIDERATION OF H. R. 5538

MARCH 28, 1957.—Referred to the House Calendar and ordered to be printed

Mr. O'NEILL, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 217]

The Committee on Rules, having had under consideration House Resolution 217, report the same to the House with the recommendation that the resolution do pass.



House Calendar No. 42

85TH CONGRESS
1ST SESSION

H. RES. 217

[Report No. 287]

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 1957

Mr. O'NEILL, from the Committee on Rules, reported the following resolution;
which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That upon the adoption of this resolution
2 it shall be in order to move that the House resolve itself
3 into the Committee of the Whole House on the State of
4 the Union for the consideration of the bill (H. R. 5538)
5 to provide that withdrawals, reservations, or restrictions
6 of more than five thousand acres of public lands of the
7 United States for certain purposes shall not become effective
8 until approved by Act of Congress, and for other purposes.
9 After general debate, which shall be confined to the bill
10 and continue not to exceed one hour, to be equally divided
11 and controlled by the chairman and ranking minority mem-
12 ber of the Committee on Interior and Insular Affairs, the

1 bill shall be read for amendment under the five-minute rule.
 2 At the conclusion of the consideration of the bill for amend-
 3 ment, the Committee shall rise and report the bill to the
 4 House with such amendments as may have been adopted,
 5 and the previous question shall be considered as ordered on
 6 the bill and amendments thereto to final passage without
 7 intervening motion except one motion to recommit.

RESOLUTION

Providing for the consideration of H. R. 5538,
 a bill to provide that withdrawals, reserva-
 tions, or restrictions of more than five thou-
 sand acres of public lands of the United
 States for certain purposes shall not become
 effective until approved by Act of Congress,
 and for other purposes.

By Mr. O'NEIL

MARCH 28, 1957

Referred to the House Calendar and ordered to be
 printed

we, the Republicans, were able to reduce that budget by \$10 billion. We were able to give the people a tax reduction and, yes, we were able to balance the budget twice over the opposition, I would say, of the majority leader who has just been speaking on the subject from this same rostrum. We have established honesty, integrity, and efficiency in Government. What we all ought to do is to cooperate with the President. I am sure he wants this budget reduced where it can justifiably be done and I am sure he is willing to trust our judgment if we will do it in a selective, workmanlike manner, and that is what we are trying to do. It is not the meat-ax approach so far as we on this side of the aisle are concerned. We want to protect the interests of 160 million people who are crying out because for the past 20 years there has been so much legislation put on the statute books that has driven up the cost of government so high that we are having to take an undue amount of money in taxes out of the economy of this country. That cannot always go on. And, that is about the only thing that the Secretary of the Treasury, Mr. Humphrey, one of the greatest Secretaries that this country has ever had, had to say about this budget. I am glad that the Secretary spoke up, and I think we are getting cooperation along that line and will continue to get cooperation from those in high places in the present administration.

(Mr. ROONEY asked and was given permission to revise and extend his remarks.)

Mr. ROONEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, surely the gentleman from Illinois [Mr. VURSELL] is not only a kindly but an intelligent man and surely he realizes that, under the Constitution of the United States, President Eisenhower signed and approved each and every law in the past 4 years. The Constitution of the United States provides that—

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States. If he approves he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it.

Now, I do not recall any moneysaving veto messages in the past 4 years from President Eisenhower, so I think the American public should know that he approved each and every one of these costly laws the gentleman referred to, during the past 4 years, and the most costly ones were those proposed by him and his administration.

The gentleman from Illinois also stated that this was not President Eisenhower's budget. How can he make such a statement? The law provides—title 31, United States Code, section 11—that the President of the United States shall transmit to the Congress the budget which shall set forth the "estimated expenditures and proposed appropriations necessary in his judgment for the support of the Government." I repeat

the words "necessary in his judgment." The highest peacetime budget in history is here with President Eisenhower's certification that it is all necessary in his judgment. In effect, he has certified that he does not know how to cut it.

It might be interesting if I called the attention of our friends on that side of the aisle, almost all of whom have been voting for the adoption of all of the amendments throughout the Labor Department part of this bill, to what their great friend and fellow Republican, Secretary of Labor Mitchell, has to say about their actions. I am reading from an Associated Press report which came over the wire just a short while ago this afternoon. I urge all my dear friends to listen carefully:

WASHINGTON.—Secretary Mitchell said today he will use "every means in my power" to get a reversal of House votes to cut \$34 million from the Labor Department's budget.

Mitchell told a news conference his Department's requests were "conservative," adding:

"I propose to defend them to the bitter end."

The administration sought about \$385 million to run the Labor Department in the fiscal year beginning July 1. The House Appropriations Committee trimmed that by \$20 million and the House in the last 2 days has voted cuts of \$14 million more.

The appropriation is still pending before the House as part of a bill carrying funds also for the Welfare Department.

Mitchell said it was one thing for the Appropriations Committee, after full hearings, to make a cut but another thing for the House to overrule the committee's judgment and make a deeper slash.

"In my opinion it's a perversion of the budget process," he said.

Mitchell was asked whether Secretary of the Treasury Humphrey's invitation to Congress to cut President Eisenhower's budget requests had made it "tougher" to clear them through Congress.

He replied: "I don't know what's made it tougher, I know it is tougher."

Now, when you shortly come to vote on this pending amendment which affects the life and health of the people of America, funds for the activities of the Pure Food and Drug Administration, I suggest that more than five of you, which has been about the average on the adopted amendments to the Labor Department part of this bill, stand up and be so reckless as to support President Eisenhower and your Secretary of Health, Education, and Welfare.

Mr. HOFFMAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it has been interesting at least to hear the gentleman from New York [Mr. ROONEY] and the gentleman from Massachusetts accuse the Republicans of failing to legislate as they think they should. It is my understanding that the Democrats have control of the House. They have a majority of somewhere around 30, do they not, I will ask the gentleman from New York?

Mr. ROONEY. It is either 32 or 33.

Mr. HOFFMAN. Then how is it that you can criticize the Republicans for putting through the amendments when the Democrats have a majority of 32? What is the matter with your party discipline? You charge us with deserting the Presi-

dent—when you have full control of the House.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. ROONEY. Does not the gentleman realize that the gentleman from Illinois [Mr. VURSELL] was talking about laws which were passed in the 83d Congress? Was that not a Republican Congress?

Mr. HOFFMAN. Of course it was. But he was talking about the laws passed in the last 20 years.

Mr. ROONEY. It was in the 83d Congress that Vice President Nixon went down to Central America, came back and demanded a crash program of \$75 million for the Inter-American Highway.

Mr. HOFFMAN. What has that to do with the reductions which has been made during the last 2 days and which could not have been made if the Democrats had all voted against them. Mr. Chairman, I do not yield further. When President Eisenhower came into office it is my recollection that they, the Democrats time and again, pledged support to the President. Now they say that they support his budget. But they have a majority of the votes; why do they not cast them in support of all the items carried in the budget? Why cry about what the House is doing when they have a clear majority of more than 30.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. JONAS].

The question was taken; and on a division (demanded by Mr. ROONEY) there were—ayes 85, noes 96.

Mr. SMITH of Virginia. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. JONAS and Mr. FOGARTY.

The Committee again divided, and the tellers reported that there were—ayes 83, noes 82.

So the amendment was agreed to.

Mr. FOGARTY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. FORAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 6287) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1958, and for other purposes, had come to no resolution thereon.

EXPORT-IMPORT BANK OF WASHINGTON

Mr. THORNBERRY, from the Committee on Rules, reported the following privileged resolution (H. Res. 216, Rept. No. 286), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4136) to extend the period within which

Export-Import Bank of Washington may make loans. After general debate, which shall be confined to the bill and continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

AMENDING AGRICULTURAL ACT OF 1949

(Mr. COAD asked and was given permission to address the House for 1 minute.)

Mr. COAD. Mr. Speaker, I had intended today to introduce a bill which would call for an amendment of the Agricultural Act of 1949. My bill would have required the Commodity Credit Corporation to replenish its stocks of commodities sold on the open market, because of deterioration or spoilage. My belief was that if this bill were enacted, it would raise the price of farm commodities almost overnight.

At the present time, I am convinced through reliable sources of information that the Commodity Credit Corporation is selling grains on the open market in voluminous amounts, and that this policy is depressing market prices. This operation is one which the Commodity

Credit Corporation is continuing by right of what is believed to be an escape clause in the Agricultural Act of 1949, which permits the Commodity Credit Corporation to sell these commodities on the open market when they have "substantially deteriorated in quality or as to which there is a danger of loss or waste through deterioration or spoilage"—Reference 407, Agricultural Act, 1949 as amended. I am certain that we are well aware of the fact that this has been and is now the means by which the Commodity Credit Corporation has been selling large amounts of corn on the open markets.

Upon an investigation of this matter, I learned that on Monday of this week, of a total of 600 carloads of corn received on the Chicago market, 480 of these cars came from Commodity Credit stocks. On the following day, Tuesday, March 26, a total of 130 carloads of corn were received on the Chicago market, of which 98 came from Commodity Credit Corporation stocks.

I have received information directly from the Department of Agriculture wherein it is reported that domestic dollar sales of corn on the market have been in excess of 24 million bushels during the 6-month period beginning July 1, 1956 and ending December 31, 1956. The complete breakdown of commodity sales is as follows:

U. S. DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

Proceeds from export and domestic dispositions of basic price-support commodities, fiscal year 1957 through Dec. 31, 1956

(In thousands)

	Corn		Cotton		Peanuts		Rice		Wheat ¹		Total proceeds
	Quantity	Proceeds	Quantity	Proceeds	Quantity	Proceeds	Quantity	Proceeds	Quantity	Proceeds	
	Bushels	Dollars	Bales	Dollars	Pounds	Dollars	Hundred-weight	Dollars	Bushels	Dollars	
Export:											
Dollar sales.....	5,611	\$7,371	5,497	\$684,352	13,000	\$1,006	672	\$2,920	37,490	\$118,543	\$814,192
Barter.....	7,368	10,818	459	56,364			420	1,123	55,524	88,501	156,806
Public Law 480, title I.....	4,385	11,519	175	34,714			6,111	69,675	22,626	72,241	188,146
Public Law 480, title II.....	1,422	3,826					35	171	4,832	15,404	19,401
Sec. 402, ICA.....	249	372							1,022	1,956	2,328
Donations.....	326						1,906		1,579		
Subtotal.....	19,361	33,906	6,131	775,427	13,000	1,006	9,124	73,889	123,073	296,645	1,180,873
Domestic:											
Dollar sales.....	24,491	31,713	45	12,664	51,272	2,265	15,789	80,558	7,665	16,277	149,477
Sec. 32.....							380	4,340			4,340
Donations.....	3,885						34		1,084		
Subtotal.....	28,376	31,713	45	12,664	51,272	2,265	16,203	90,898	8,749	16,277	153,817
Total dispositions.....	47,737	65,619	6,176	788,091	64,272	3,271	25,327	164,787	131,822	312,922	1,334,690

¹ Includes bushel equivalent of wheat flour.

The entire idea and principle involved here is to get the Government out of the grain business for whenever the Government simply dumps commodities on the market, the only thing that happens is that prices go down. If, however, the Government had to replenish its stocks when a given quantity of a commodity was sold, it would not depress prices. Therefore, in this manner, if the Government replenished its stocks, it would keep the prices of our commodities up, and it would keep the Government out of the grain business in such man-

ner that it is a detriment to the price structure. This plan would in no way affect the export program, and it would not affect any program of the Government for the using of farm commodities for direct relief aid, whether at home or overseas.

I know that the CCC has been selling grains for a long time, and at least during recent months, has been excessive.

I have further information which reveals the fact that an announcement was made on or about November 30, 1956, which was made by officials of the

Commodity Credit Corporation, stating that a large quantity of corn was in danger of going out of condition, and that it would have to be sold on the open market. Certainly, the date of this announcement belies the conditions which obviously existed. Why should corn be in danger of going out of condition on the date of November 30, when the season of high temperatures and high humidity had passed? Another fact which is directly related to this situation is revealed by the knowledge that a big percentage of the corn which is actually received in

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

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HIGHLIGHTS: House received budget amendment reducing estimates for soil bank program. House passed plant pests control bill. House passed bill limiting military land withdrawals. House passed bill requiring certain Congressional approvals for small reclamation projects.

HOUSE

1. INSECT CONTROL. Passed as reported H.R. 3476, to facilitate the regulation, control, and eradication of plant pests. After passage the language of H.R. 3476 was substituted for that of S. 1442, a similar bill, which was then passed. H.R. 3476 was laid on the table. Conferees were appointed on S. 1442. pp. 4927, 4954-58, 4959
2. APPROPRIATIONS. Received from the President a budget amendment for the fiscal year 1958 involving a reduction of \$254,000,000 in the Soil Bank Program, thereby reducing the 1958 estimate to \$1,000,000,000 (H. Doc. 149); to the Appropriations Committee. p. 4969 This does not represent a "cut-back" in the program but reflects primarily a change in the estimated timing of the acreage reserve payments and a smaller participation in the 1957 conservation reserve program than had been estimated earlier.
3. PUBLIC LANDS. Passed with amendments H.R. 5538, to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the U.S. for military purposes shall not become effective until approved by act of Congress. pp. 4927, 4932-50

4. RECLAMATION. Passed with amendments H.R. 2146, to require congressional approval for certain small reclamation projects. pp. 4928-31
5. INVESTIGATIONS. By a vote of 225 to 143, agreed without amendment to H. Res. 191, to provide an increase of \$250,000 for investigations by the Interstate and Foreign Commerce Committee. pp. 4922-26
6. ROADS. Rep. Reuss spoke in favor of legislation to control advertising on U.S. highways, and inserted several letters supporting such legislation. pp. 4963-66
7. COMMITTEE ASSIGNMENTS. The Joint Economic Committee announced assignments to subcommittees on Economic Stabilization, Foreign Economic Policy, Fiscal Policy, Agricultural Policy, and Economic Statistics. p. D23
8. LEGISLATIVE PROGRAM. Rep. McCormack announced that the second urgent deficiency appropriation bill for 1957 will be considered Mon. after the Consent Calendar is called, the Private Calendar will be called on Tues., and the State, Justice and Judiciary appropriation bill for 1958 will be debated later next week. p. 4926
9. ADJOURNED until Mon., Apr. 15. p. 4969

ITEMS IN APPENDIX

10. BUDGET. Rep. Johansen inserted a statement in favor of budget cuts sent by Rep. Bentley to his constituents. p. A2886
Rep. Green inserted a letter from the American Association of University Women supporting the budget. p. A2886
Rep. Colmer inserted an editorial urging reductions to 1956 budget levels, and noted "grassroots concern" over spending. p. A2889
Speech of Rep. Fulton comparing budget levels in Great Britain with those in the U.S. and urging Congress to follow their example in providing tax cuts. p. A2902
11. TEXTILES. Rep. Bailey inserted an editorial deploring foreign aid and low import duties as causes of depression in the textile industry. pp. A2886-7
12. ELECTRIFICATION; RECLAMATION. Rep. Green inserted a resolution from the Idaho-Oregon-Washington Hells Canyon Ass'n commending Rep. Ullman's efforts in the fight for a high Hells Canyon dam. p. A2889
Rep. Moss inserted an article on the income received from the Central Valley Project, Calif., in 1956. p. A2891
Extension of remarks of Rep. Dixon opposing H.R. 6575, to repeal the Colorado River Storage Project, and pointing to the fact that the low bid on the Glen Canyon dam was 25% below estimated cost. p. A2902
13. PERSONNEL. Extension of remarks of Rep. Rhodes criticizing the Justice Department for its assertion that Federal employees are not entitled to the benefits of workers in private industry, urging the Government to bring its policies in line with that of modern labor-management relations, and inserting a column by Joseph Young, "Justice Brief Puts Economy Above Benefits--Savings Get Priority Over Government Work Conditions." pp. A2889-91
14. FOREIGN AID. Rep. Flood inserted a letter recommending the extension of economic and technical aid to Poland. p. A2894

Mr. MARTIN. I yield to the gentleman from New York.

Mr. ROONEY. Mr. Speaker, I should like to inquire of the distinguished minority leader if it is not the fact that under the rules of the House this appropriation bill, to which the distinguished gentleman from Iowa referred, could be brought up on Monday next.

Mr. MARTIN. The rules require 3 days.

Mr. ROONEY. The 3-day rule which means 3 calendar days would have been complied with and the bill could be called up on Monday. So the gentleman from Iowa has an extra 24 hours to read the committee report. The bill and the report are comparatively brief documents. He has had the hearings, or was entitled to have the hearings, for the past week. It may very well be, I will say to the distinguished gentleman from Iowa, that when he finds out what the action of the full House Committee on Appropriations is on tomorrow, he will agree with that action and there may not need to be very much debate on this bill.

Mr. GAVIN. Mr. Speaker, would the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Pennsylvania.

Mr. GAVIN. As I understand it, the majority leader has indicated that no record votes will be taken before Wednesday; there will be none on Monday or Tuesday, or, if any are requested, they will be carried over until Wednesday?

Mr. McCORMACK. That is the understanding.

Mr. GAVIN. There was an agreement this week that record votes would be carried over until Tuesday, but we had one on Monday.

Mr. McCORMACK. There was no agreement with regard to this week.

The SPEAKER. The time of the gentleman from Massachusetts [Mr. MARTIN] has expired.

FEDERAL PLANT PEST ACT

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 223 and ask for its immediate consideration.

The Clerk read, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 3476) to facilitate the regulation, control, and eradication of plant pests. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COLMER. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN], and pending that I yield myself such time as I may consume.

(Mr. COLMER asked and was given permission to revise and extend his remarks.)

Mr. COLMER. Mr. Speaker, House Resolution 223 provides for the consideration of H. R. 3476, the Federal Plant Pest Act. The resolution provides for an open rule and 1 hour of general debate on the bill.

At the present time existing laws relating to the subject of plant pest control do not provide the authority to regulate the movement of plant diseases as such, or disease-bearing organisms, or certain plant pests which can injure or cause disease or damage in plants or their products. Title I of this bill will provide such authority and will also confer authority to make necessary inspections to carry out the provisions of the bill.

There is one major committee amendment which provides that a quarantine inspector must have a duly issued search warrant to search private premises and the amendment authorizes the issuance of such warrants.

Title II amends the list of insects and plant pests with respect to which the Department of Agriculture is authorized to conduct eradication and control campaigns. This will have the effect of permitting the Department to undertake eradication or control campaigns against pests related to those named without requiring, in each case, an amendment to the act.

H. R. 3476 was unanimously reported with several minor and the one major amendment by the Committee on Agriculture and the Department of Agriculture favors the enactment of this measure. It is not believed that the proposed legislation will necessitate any additional appropriations.

The committee report complies with the Ramseyer rule and I urge prompt action on House Resolution 223 so we may proceed to the consideration of this bill.

Mr. ALLEN of Illinois. Mr. Speaker, I have no requests for time.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MILITARY PUBLIC LAND WITHDRAWALS

Mr. O'NEILL. Mr. Speaker, I call up House Resolution 217 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5538) to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress, and for other purposes. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for

amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

(Mr. O'NEILL asked and was given permission to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN] and yield myself such time as I may require.

Mr. Speaker, House Resolution 217, providing for the consideration of H. R. 5538, the so-called military public land withdrawals bill, provides for an open rule and 1 hour of general debate on the bill.

H. R. 5538, unanimously reported by the Committee on Interior and Insular Affairs is substantially the same as H. R. 12185 which passed the House in the last Congress, with the exception of a few language changes to clarify the scope and procedure to be followed. The Senate did not consider H. R. 12185, thus the bill died in the last Congress.

The main objectives of the bill are:

First, to require an act of Congress before defense land acquisitions exceeding 5,000 acres can take effect, including public lands of the United States, Alaska, Hawaii, the outer Continental Shelf lands and Federal lands and waters off the coast of Alaska and Hawaii.

Second, the bill would make applicable to all military reservations and facilities the hunting, fishing, and trapping of the State or Territory in which such installation is located.

Third, the bill would amend in two particulars the Federal Property and Administrative Services Act of 1949, as amended. One amendment would except from the real property-disposition provisions of the 1949 act, minerals in withdrawn of reserved public domain lands which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws. The other amendment provides that only those withdrawn or reserved public domain lands surplus to the needs of the Federal agencies found by the Secretary of the Interior—with the concurrence of the Administrator of General Services—not suitable for restoration to public land status due to substantial improvements, would hereafter be subject to the real property disposition provisions of the amended 1949 act.

Finally, the bill would remove any questions concerning the laws which govern the disposal of and exploration for any and all minerals, including oil and gas, in public lands of the United States heretofore or hereafter withdrawn or reserved by the United States for the use of defense agencies.

The committee report complies with the Ramseyer rule and I urge the adoption of House Resolution 217 so the House may proceed to the consideration of H. R. 5538.

Mr. ALLEN of Illinois. Mr. Speaker, I have no requests for time.

Mr. O'NEILL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Mr. THORNBERRY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 224 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 3377) to promote the national defense by authorizing the construction of aeronautical research facilities and the acquisition of land by the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to commit.

Mr. THORNBERRY. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN], and I yield myself such time as I may require.

Mr. Speaker, House Resolution 224 makes in order the consideration of H. R. 3377, the construction program for the National Advisory Committee for Aeronautics. The resolution provides for an open rule and 1 hour of general debate on the bill.

The purpose of the bill is to authorize construction, installation of equipment and the acquisition of land at three laboratories and the pilotless aircraft station of the National Advisory Committee for Aeronautics.

The work of this Committee falls into two principal categories. First, research to furnish new ideas and second, the application of new ideas to current military designs in cooperation with industry.

The program of the Committee, which has the approval of the Bureau of the Budget, calls for a total authorization of \$44,700,000. Twenty million, nine hundred and sixty-five thousand dollars of this amount is for new facilities for hypersonic research; \$5,655,000 for expansion of facilities for nuclear research; \$10,936,000 for the modernization of research facilities for the solution of new problems in the subsonic, transonic, and supersonic speed ranges; \$6,485,000 for modernization of supporting technical facilities and approximately \$658,000 for general plant and utility improvements, including land acquisition.

I urge the adoption of House Resolution 224 so the House may proceed to the consideration of this bill.

Mr. ALLEN of Illinois. Mr. Speaker, I have no requests for time.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SHERMAN, TEX., WATER UTILIZATION

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 3996) to authorize the utilization of a limited amount of storage space in Lake Texoma for the purpose of water supply for the city of Sherman, Tex.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Chief of Engineers is hereby authorized to contract with the city of Sherman, Tex., upon such terms and for such period, not exceeding 50 years, as he may deem reasonable, for the use of not to exceed 41,000 acre-feet of storage space in Lake Texoma, for the purpose of providing said city a regulated water supply in an amount not to exceed 25,000 acre-feet annually: *Provided*, That the project for Denison Dam authorized by the Flood Control Act of June 28, 1938, as modified by section 4 of the River and Harbor Act of October 17, 1940, is hereby further modified accordingly: *Provided further*, That all moneys received shall be deposited in the Treasury of the United States as miscellaneous receipts: *And provided further*, That nothing in this act shall affect water rights under State law.

With the following committee amendment:

On page 1, line 3, strike out "Chief of Engineers" and insert in lieu thereof "Secretary of the Army."

The committee amendment was agreed to.

Mr. ALLEN of Illinois. Mr. Speaker, I move to strike out the last word. Will the gentleman from Minnesota explain the bill?

Mr. BLATNIK. Mr. Speaker, the legislation is similar to legislation which was passed in the 84th Congress in the event of an emergency to authorize the Secretary of the Army to enter into a contract to allow municipalities to use a certain amount of water from established reservoirs. The Secretary does have the authority in cases where the reservoirs have what is determined to be a surplus of water to act in such cases. But there is not a surplus of water in this instance. It is an emergency situation. The municipality of Sherman is in a serious water-shortage area. The Secretary of the Army approves this bill, and the Bureau of the Budget has no objection. Reimbursement is to be made by the municipality of Sherman for any losses that may result for the full utilization of the original purpose of the project either for navigation or hydro power.

Mr. ALLEN of Illinois. Did this bill come out of the Committee on Public Works?

Mr. BLATNIK. Yes.

Mr. ALLEN of Illinois. Has the matter been discussed with the ranking minority member of the Committee on Public Works?

Mr. BLATNIK. The ranking minority member does approve of it, but he is not here this morning. There is another member of the minority present who can speak for them.

Mr. SCHERER. The bill was reported out of the committee unanimously the other day.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

AMENDING SMALL RECLAMATION PROJECTS ACT OF 1956

Mr. ENGLE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 2146) to amend the Small Reclamation Projects Act of 1956.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H. R. 2146, with Mr. HERLONG in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. ENGLE] will be recognized for 30 minutes and the gentleman from Arizona [Mr. RHODES] will be recognized for 30 minutes.

Mr. ENGLE. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the purpose of this bill is to amend the Small Reclamation Projects Act of 1956. Notwithstanding its title, it does not authorize any appropriation nor does it cost any money. It is for the purpose of correcting some language in the act which the President of the United States thought, when he signed the bill, transgressed the constitutional provisions involving the separation of powers. The Small Reclamation Projects Act of 1956 provided for the participation by State and local agencies in the construction of small irrigation projects. When the bill got down to the White House, the information came up to us that certain sections of the bill were objected to because they transgressed what the White House regarded as the separation of powers. In the discussion of the matter with the people at the White House, I told them, as chairman of our committee that we would correct the language; and I am sure the Member from the other body as chairman of the corresponding committee in the other body, assured the President that we would undertake to make a correction of the language to have it accord with the usual procedures.

In order to get the matter before you I will read a portion of the President's message. It appears on page 3 of the committee report. The President said:

I have approved this bill only because the Congress is not in session to receive and act upon a veto message and because I have been

State. This project, though, is without an adequate water supply during drought periods. The land is excellent. In times of an adequate supply of water, the community has an economy among the stronger within the State. During periods of drought and inadequate water supply such as now, however, everything that has been built up during the good years is threatened. The economy is strained and costly, State and Federal assistance is required. With an adequate water supply, as is established by a history of almost 75 years, this area can maintain itself in a strong economic position, contributing regularly its taxes to the Federal Treasury and providing good customers for the products from all parts of the Nation. Unless this legislation amending the 1956 act is adopted, there will be no chance of getting an immediate program underway for these farmers and this community, and others similarly situated.

Naturally the Bureau of Reclamation should point itself to the large projects. In so pointing its efforts, it is only natural that its organization would be such as not to adapt itself readily to the construction of the smaller dams and reservoirs. The reclamation program is set up as self-supporting. If these smaller dams and reservoirs were to be undertaken by the Bureau, certain overhead stemming from Washington on down to the district level would necessarily have to be charged to the project. This tends to make the construction not feasible. Under this legislation, the most economic construction can be obtained. This has already been demonstrated by projects which the State could undertake themselves and have undertaken. So we see that with the individuals and the States making all reasonable efforts to do for themselves and with the Federal Government doing that which it should properly do, there is an in-between area which can best be served under the provisions of the Small Projects Act.

This amendment should be promptly adopted. The prerogatives of Congress will be reserved by proper means. It is essential if the program is to get underway in the coming year.

Mr. RHODES of Arizona. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, there is nothing much left to be said about this that has not been said by the distinguished chairman and the distinguished ranking minority member of this committee. This is a bill to perfect legislation which passed the House overwhelmingly in the last session of the 84th Congress. The legislation, we feel, is necessary to allow this very worthwhile program to go into effect. I hope that the House will see fit to pass the bill.

Mr. Chairman, I have no further requests for time.

Mr. ENGLE. I have no further requests for time, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Small Reclamation Projects Act of 1956 (70 Stat. 1044) is amended as follows:

(a) Amend subsection (c) of section 4 to read:

"(c) At such time as a project is found by the Secretary and the Governor of the State in which it is located (or an appropriate State agency designated by him) to be financially feasible, is determined by the Secretary to constitute a reasonable risk under the provisions of this act, and is approved by the Secretary, such findings and approval shall be transmitted to the Congress. No appropriation shall be made for financial participation in such project until it has been approved by resolutions of the House and Senate Interior and Insular Affairs Committees. The Secretary, at the time of submitting the project proposal to Congress or at the time of his determination that the requested project constitutes a reasonable risk under the provisions of this act, may reserve from use or disposition inimical to the project any lands and interests in land owned by the United States which are within his administrative jurisdiction and subject to the disposition by him and which are required for use by the project. Any such reservation shall expire at the end of 2 years unless the contract provided for in section 5 of this act shall have been executed."

(b) Amend the introductory clause of section 5 to read:

"Sec. 5. Upon approval of any project proposal by the Secretary under the provisions of section 4 of this act, he may negotiate and execute a contract which shall set out, among other things—"

Mr. ENGLE (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 2, line 4, after the period, strike out down to and including the period on line 7.

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 14, strike out "the."

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 18, insert:

"(b) Add a new subsection (d) to section 4 (the present subsection (d) being relettered (e)) reading as follows:

"(d) Upon receipt of the Secretary's findings and approval with respect to any project not theretofore authorized for construction under the Federal reclamation laws, they shall be referred to the Committees on Appropriations and on Interior and Insular Affairs of the House of Representatives and the Senate. No appropriation shall be made for financial participation in any such project prior to 60 calendar days (which 60 days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than 3 calendar days to a day certain) from the date on which the Secretary's findings and approval are submitted to the Congress and then only if, within said 60 days, neither the House nor the Senate Interior and Insular Affairs Committee disapproves the project proposal by committee resolution and so notifies both Appropriations Committees in writing: *Provided*, That if, prior to the expiration of said 60 days, both the House and Senate Interior and Insular Affairs Committees approve the project proposal by resolution and so notify the Appropriations Committees in writing,

appropriation of funds for the project may be made at any time. The provisions of this subsection (d) shall not be applicable to proposals made under section 6 of this act."

Mr. ENGLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGLE to the committee amendment: On page 2, line 20, strike out the first sentence of section (d).

The amendment to the committee amendment was agreed to.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER to the committee amendment: On page 3, line 10, after the word "resolution" add a period and strike out the rest of the sentence including the proviso ending with the word "time" in line 16.

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The Clerk read as follows:

Committee amendment: Page 3, line 18, strike out "(b)" and insert "(c)."

The committee amendment was agreed to.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 3, line 22, after the word "negotiate" strike out the words "and execute."

The amendment was agreed to.

Mr. ENGLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGLE: Page 2, line 10, strike out "he" and insert "the."

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HERLONG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H. R. 2146) to amend the Small Reclamation Projects Act of 1956, pursuant to House Resolution 193, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. RHODES of Arizona. Mr. Speaker, I ask unanimous consent that all

Members may have 5 legislative days in which to extend their remarks on the bill H. R. 2146.

The SPEAKER. Without objection, it is so ordered.

MILITARY PUBLIC LAND WITHDRAWALS

Mr. ENGLE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5538) to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 5538, with Mr. HERLONG in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. ENGLE. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, as the title to this bill indicates, the purpose of the measure is to require that withdrawals, reservations, or restrictions, of more than 5,000 acres of public lands of the United States for military purposes shall not become effective until approved by act of Congress.

The background of this legislation is that in 1937 the military agencies of the United States controlled approximately 3 million acres of land. At the present time the Department of Defense controls over 30 million acres of land in the continental United States and Alaska. The land controlled, exclusive of lands held for civil functions of the Corps of Engineers by agencies of the Department of Defense today totals, in the 48 continental States alone, 27.6 million acres, or 43,138 square miles. That amounts to a strip of land $14\frac{3}{4}$ miles in width from New York to San Francisco.

If the area controlled and held by the military agencies today for their purposes were laid out in a strip it would be over 14 miles wide from New York to San Francisco; and if they get all the land they are asking for in addition, that strip of land would be over 17 miles wide.

It is an area larger than the entire State of Ohio or Kentucky or Tennessee. It is an area 21 times the size of Delaware, 8 times the size of Connecticut, and 5 times the size of Massachusetts, and 683 times the size of the District of Columbia.

The defense requests for additional public lands total a little more than 6 million acres in the six western States, California, Arizona, Idaho, Nevada, New Mexico, and Utah. As I said previously, if all of their requests are granted, then the strip of land would be more than 17 miles in width.

We were particularly concerned about the rate at which these acquisitions were going forward because, as I pointed out, in 1937 they owned some 3 million acres,

in 1940 it was only slightly more than that, and in the interim it has increased 10 times. In the 18-month period preceding June 30, 1955, a period of 547 days, agencies of the Department of Defense acquired land at the rate of more than 5 acres per minute, every minute of the day and night. Had the applications totaling 8.7 million acres pending been approved between that date and January 1, 1957, the rate of defense agency public land acquisition alone would have been at the rate of 11 acres per minute.

I am talking about public land areas, not the acquisition of privately owned lands, which of course are taken over by condemnation.

As a result of that picture, our committee decided that we should do something about the matter of military land acquisitions.

In order to illustrate to you what the situation is, I want to take a moment to give you the legal background. The public lands of the United States amount to some 450 million acres. Those public lands are, under the Constitution of the United States, article IV, section 3, clause 2, made the particular responsibility of Congress. That section of the Constitution states that:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States.

The Supreme Court has held that that language in the Constitution gives the Congress of the United States power over the public land in the manner of a proprietor; that is, that this Congress has the power to dispose of and to deal with the public-land areas of the United States in the same way that an owner or a proprietor would. But over the years Congress has not exercised that power, and there grew up in the executive branch of the Government the practice of setting aside portions of the public lands of the United States for particular public uses. It was thought that if Uncle Sam owned the land, and a military installation needed some land, they should just simply parcel it out and make that land available, which, of course, when that power is used in moderation, is a sensible way to look at it. We certainly want the Defense Department to use public lands where they can rather than take land in the ownership of the people of the country.

As I say, the practice grew up, and as it grew up these various defense agencies, the Army, the Navy, and the Air Force, would simply make out a slip of paper in the nature of an application to the Interior Department asking for an area perhaps 100 miles long and 50 miles wide in the State of Nevada, and send it over to the Secretary of the Interior saying it was absolutely necessary to their operations, and that area was set aside for those military operations and put into what could be regarded as a legal icebox. By that I mean all activities inside that area stopped: The grazing of cattle, the exploration for and the development and mining of minerals and metals. Water conservation programs of all sorts, of course, would be barred in that area,

and all sporting, fishing, and conservation activities. It was our concern over that problem that brought on this legislation.

The Supreme Court in looking over the situation with reference to some of these withdrawals made the statement that Congress by acquiescing in the actions taken by the executive branch had, in effect, agreed to these procedures. It said in the case, for instance, of the Midwest Oil Co. that the executive was acting as an agent of Congress to parcel out these lands, notwithstanding the fact that the Constitution very clearly makes that the responsibility and the obligation of Congress.

They went on to say:

Its acquiescence all the more readily operated as an implied grant of power. In view of the fact that its exercise was not only useful to the public but did not interfere with the vested rights of any citizen. The silence of Congress after consideration of a practice by the Executive may be equivalent to acquiescence and consent that the practice be continued until the power is revoked.

We have undertaken in this legislation to revoke the implied delegation of power to the executive branch whenever any of its departments try to take over 5,000 acres of more.

Mr. BATES. Mr. Chairman, will the gentleman yield?

Mr. ENGLE. I yield.

Mr. BATES. What reference does this bill have to those lands which have been acquired, or on which restrictions presently exist?

Mr. ENGLE. It has no reference whatever to acquired lands. That is the field in which the gentleman's committee operates, and whenever the Defense Department desires to acquire land now under private ownership, the Defense Department comes to the gentleman's committee. If this bill goes through, if they want to acquire more than 5,000 acres of public domain lands, then they would come to a committee of the Congress; whether it be our committee or some other committee, of course, I am not prepared to say—I do not know.

Mr. BATES. What is the situation with regard to the land which has heretofore been acquired from the public domain which they are presently using?

Mr. ENGLE. It does not affect that—with certain limitations which I want to take up in just a minute.

Mr. BATES. That is, with reference to the restrictions?

Mr. ENGLE. That is right.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ENGLE. I yield.

Mr. GROSS. I could not hear the question of the gentleman from Massachusetts [Mr. BATES]. I would like the gentleman to explain the language dealing with the outer Continental Shelf.

Mr. ENGLE. Yes, I will come to that.

Mr. NICHOLSON. Mr. Chairman, will the gentleman yield?

Mr. ENGLE. I yield.

Mr. NICHOLSON. I was wondering what would happen if a State owned this place for national defense, would the Defense Department take it from the State or could they?

Mr. ENGLE. No; this bill does not affect any State-owned land. In fact, we have no authority or jurisdiction over State-owned land.

Mr. NICHOLSON. So that if the Defense Department took this land or paid for this land, it would not have to go to the Committee on Armed Services?

Mr. ENGLE. If the Department of Defense takes such lands, I would not be able to say where they would have to go. But, if they have to pay for them and I would assume they would have to go to the armed services and get an authorization to pay for them. It would depend on what the State wanted. If the State wanted money, I assume they would have to go to the Committee on Armed Services to get authorization.

What this bill does, in effect, is to repeal the implied grant of power under which the Department of Defense for a great many years has undertaken to slice out without any restraint or restriction whatever—and really on their own say—so because nobody in these other agencies ever argues or disputes a matter of military necessity—and restore that power to the Congress where it belongs and where it is vested by the Constitution of the United States.

The reason we limited this bill to 5,000 acres or more is because we do not want congressional committees or this House burdened with all of the small applications. For instance, in Alaska they want a small radar site. It may be 100, 200, 300, or 400 acres. But, it is when they get into the vast areas such as you can see marked on the map which is before you in the well of the House. There is another one in the Speaker's lobby which you can look at. They show these tremendous areas that are blocked off by 100 or 150 or 200 miles long. There is one in my district which when they are put together would be over 200 miles long. Not in every instance do they take the land area for particular ground or surface uses. What they are doing is shooting over these areas and running fast jets on aerial gunnery. The reason they have to block off the surface is because shells are coming down there—not only bullets, not only the bullets themselves but the shell casings.

Of course, if they drop on somebody's head they could be rather injurious, so they block out the whole area. It is not only because of firing ordnance and artillery into these areas, but the airspace itself is taken over, and when the airspace is taken over then the surface area has to be taken over also.

The bill does a little more than I have stated simply to be its purpose, that is, to restore to Congress the constitutional power, authority, and responsibility which we have; it does a little more than that as its subsidiary purposes.

It seeks to develop a system for the multiple use of these land areas where they must be taken over by the military. You will recognize the fact that we knew we have to have some areas in which the military can operate; national defense requires it. Certainly no committee of the House would fail to recognize that we have a responsibility in the defense of the Nation. We want to accomplish that, however, with the mini-

mum deprivation of the multiple uses of those great areas, and for that purpose we have tried to develop a system here where, when consistent with military purposes, the land can be used for other purposes, that that be permitted.

We have provided in this legislation for a system of applications so that the military can accurately indicate what is to be done. For instance, in some areas it is entirely possible to graze cattle and sheep in these areas. There is a chance, of course, that one of them will get shot, or that a shell casing will drop on a cow, but it is not a serious matter and probably will not happen very often. So the livestock people are perfectly willing to take the chances and to go ahead and graze their livestock in those areas.

In some instances they do not always fire all the time, and we want to make it possible when they are not firing all the time for people to go into the area for other purposes. Mining exploration is very important in the West; and in northern Nevada, for instance, there is one of the most highly mineralized areas of the whole State of Nevada, and the lack of ability to prospect in these reserved areas is a great deprivation to the State in its resource development and should not occur. So we have provided that where consistent with military objectives these other multiple uses can go forward.

The second subsidiary purpose is the matter of fishing and hunting on military reservations. There has been a practice regarding some of these military reservations for some people to regard them as private military game preserves. We felt they should comply with State laws regulating fish and game. The fish and game really belong to the people of the State. No one has a title in it. The ducks fly in, and the ducks fly out. Wherever possible, local people ought to be able to shoot along with military people. These reservations should not be set aside exclusively for the use of the military high command as they have been in some instances.

This bill provides that the military must comply with the State laws. This bill also provides that after a certain period, 30 days, licenses shall be issued to military personnel enabling them to hunt and fish in compliance with State laws.

The bill further provides that consistent with military security which, again, of course, is a military decision, that State fish and game authorities shall be permitted to go into these vast reserved areas for the purpose of helping in the propagation and maintenance of fish and wildlife.

Mrs. ST. GEORGE. Mr. Chairman, will the gentleman yield?

Mr. ENGLE. I yield to the gentleman from New York.

Mrs. ST. GEORGE. Do I understand that after the passage of this bill civilians will be able to use some of these reservations that are now reserved exclusively for the military?

Mr. ENGLE. That is correct.

Mrs. ST. GEORGE. After this bill is passed it will change the present setup?

Mr. ENGLE. In some instances they do it already.

Mrs. ST. GEORGE. There are many instances I happen to know of—that is why I am asking the question—where some of the land is reserved exclusively for the military. I just want to know if this bill will change that situation.

Mr. ENGLE. It will change that situation subject to this one limitation: In some instances military security will make it impossible to let civilians in. It is subject to that limitation.

Mrs. ST. GEORGE. Who will make that determination?

Mr. ENGLE. That will have to be a military decision, but if there is very much argument about it I suspect the committees will hear about it and that the local people will make themselves heard.

Mrs. ST. GEORGE. I thank the gentleman.

Mr. ENGLE. There is a third subsidiary purpose. This bill makes it plain when these public lands taken over for military purposes are no longer needed for those military purposes they shall return to the status for which they were taken. Under the present law a good deal of this real property is peddled off through the General Services Administration as surplus. It becomes surplus, if you please. We admit where you have a great runway on a piece of land and all of its attendant facilities, the character of that land has been changed; therefore, that area should be dealt with differently, and the bill provides for the exception in that instance. Otherwise, where the general character of the land has not changed it goes back to the original status it had.

Mr. BATES. Mr. Chairman, will the gentleman yield?

Mr. ENGLE. I yield to the gentleman from Massachusetts.

Mr. BATES. That would not preclude one military department from transferring it to another which might have use for it?

Mr. ENGLE. No; it would not. In fact, it would not become surplus under those circumstances.

I intended to deal with the hunting and fishing feature to some extent because that question has been raised. I dealt with it generally. If you will look at page 48 of the committee report you will see a particular item which illustrates how this can and will be changed.

Camp Hill, Va., is an Army installation aggregating in size nearly 77,000 acres rated as an outstanding hunting area for deer and small game and for fishing. A total of 182 personnel—10 officers, 87 enlisted men, and 85 Army civilian employees—are permanently assigned there. Training areas and quarters on the post are utilized for brief periods throughout the year by various groups from the area, including Regular and Reserve Army units, some Marine personnel, National Guard units, ROTC units, and Boy Scouts; all totaled, several thousands of individuals, on temporary assignment, use the area. In addition, for limited scheduled periods, the area is used by the Air Force for low-altitude bombing and strafing practice, and by Naval and Marine units for loft-bombing practice. During an approximately 9-week period, November 1956 to January 1957, a total

of 6,250 persons hunted at Camp Hill during the deer season. The breakdown is as follows: Army, 2,417; Navy, 680; Air Force, 1,205; Marines, 203; and civilians, the portion coming from Army civilian employees as guests of military and from the public at large is not known, 1,745. In other words, during the deer season just ended at Camp Hill where only 97 Army personnel and 85 Army civilian personnel are permanently assigned, of a total of 6,250 persons permitted to hunt, 4,505 were military personnel, the balance civilians.

That is the kind of situation we are trying to correct.

A question was asked about the Continental Shelf area. Displayed on the easel here is a quarter of the national map. It has been selected because it illustrates somewhat the situation with reference to the Continental Shelf.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ENGLE. I yield to the gentleman from Iowa.

Mr. GROSS. My concern is whether it makes any more land available to the offshore oil people for their use. Under the terms of this bill, is additional offshore oil area made available?

Mr. ENGLE. The answer is, It does not do that specifically but it may do it indirectly because it would be necessary for the military to come to Congress to withdraw areas of 5,000 acres or more in the Continental Shelf area. They have a great deal there at the present time, as the gentleman will observe, either in use, applied for, or in warning areas of one type or another. So the Congress in balancing up the importance of the area from the standpoint of oil development, for instance, and for military operations, might say to the military, "Stay out of this area."

I will point out one here called area W-92. It is an area which would produce a quarter of a billion dollars in oil royalties alone. We have been trying to get the Navy to get off of it, but instead of getting off of it, they want more area there. Now, we think where you have a great natural resource that would produce a quarter of a billion dollars in royalties alone—and that is just the first payment; that is a bonus; that does not count the regular royalties that come along—that these congressional committees would want to consider the matter of trying to get the military some place else that would serve their needs and make it possible to collect that money.

By the way, that \$250 million which would be paid in bonus payments on this one little piece of land down there in the Continental Shelf area is over half as much money as we have taken in under the Mineral Leasing Act through all the years it has been in operation since, I think, 1920.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, if you are successful in getting the Navy off of it and it is withdrawn, it reverts back to the Government and must be thereafter disposed of by Congress; is that not correct?

Mr. ENGLE. Not by the Congress; no, sir.

Mr. GROSS. Well, with congressional approval.

Mr. ENGLE. That is right. Now, under this bill, if they apply for more than 5,000 acres in this Continental Shelf area, they must come to the Congress and get approval. Now, if Congress turns it down, the land stays under the Mineral Leasing Act, and the Secretary of the Interior than can lease it for oil drilling, if he wants to, under the regular procedure.

Mr. GROSS. I still am not clear "trying to get the Navy off," and correct me if I am wrong, in trying to get the Navy off this land, which has such rich oil deposits; is that not correct? We are trying to get them out of there. Then what happens with that land if the Navy should be dislodged?

Mr. ENGLE. Then the Secretary of the Interior could lease it for oil development under contract to oil companies who would pay bonuses and, of course, added royalty.

Mr. GROSS. You do not mean, then, that the Navy would be dispossessed. The Secretary of the Navy would have control of the land; is that not correct?

Mr. ENGLE. Not necessarily.

Mr. GROSS. How can he lease something for which he did not have control?

Mr. ENGLE. Not the Secretary of the Navy. The Secretary of the Interior, under the Outer Continental Shelf Act, is given authority to conduct these leasing operations on the outer Continental Shelf, and this bill, in section 6, says that he shall have the authority to go ahead and do that.

Now, I want to deal a little with this Outer Continental Shelf area. Today there are 233 million acres off the gulf, Atlantic, and Pacific coasts overlaid by air warning areas created by Executive action. This long red part that you see out from the Gulf of Florida on the map displayed before you is the Patrick Air Force Base. That is that 5,000-mile range they use to shoot ballistic missiles. Well, of course, you cannot have anybody out there much of the time; they might all get killed. And, that is true of a great many of these other firing areas. And, as I say, there are some 233 million acres of land now withdrawn in those areas and they are asking for 140 million more.

Mr. CHUDOFF. Mr. Chairman, will the gentleman yield?

Mr. ENGLE. I yield to the gentleman from Pennsylvania.

Mr. CHUDOFF. As I understood the gentleman's explanation of section 6, you advised the House that under section 6 of the act control of the land would pass from the Navy to the Secretary of the Interior who would then be in a position to lease oil rights to private individuals.

Is there anything in section 6 of the act that provides for a procedure under which the Secretary of the Interior may act? Is it done by negotiation or under bids, or how does it operate?

Mr. ENGLE. As soon as the Secretary of the Interior has jurisdiction of the lands he may act. He has jurisdiction to do the leasing now under the Outer Continental Shelf Act which was passed, I believe, in 1953.

Mr. CHUDOFF. Does that act provide for a procedure for bids on leases, and so forth?

Mr. ENGLE. That is correct. It provides the procedure for leasing the outer continental shelf. The gentleman may recall that the outer continental shelf legislation was brought out of the Committee of the Judiciary of the House and asserted American jurisdiction to the minerals under the outer Continental Shelf running out to the 100-fathom line. Ordinarily we go out only 3 miles, and beyond that it is supposed to be international waters. But we, as a Congress and as a Nation, asserted ownership in all of that area in the outer Continental Shelf. For instance, in the Gulf of Mexico the waters go a long, long way beyond any 3 or even 21 miles and are very rich in these minerals, especially oil. We asserted the right of the American Government to explore and to take those. That is what is involved in the Outer Continental Shelf Act.

What we are trying to do is to prevent the military from stepping in and completely barring any other use of that area except for military purposes which, of course, would shut off everybody, including this tremendously valuable oil development.

SUMMARY: PRESENT DEFENSE HOLDINGS, PENDING REQUESTS

Present Defense agency real property holdings, Defense agency requests pending for withdrawal of additional public domain lands, present Defense agency offshore overwater air warning areas—pre-August 7, 1953—and Defense agency pending requests for approval by the President of Defense-designated overwater restricted areas under terms of the Outer Continental Shelf Lands Act—post-August 7, 1953—are summarized hereafter.

PRESENT DEFENSE HOLDINGS

Agencies of the Department of Defense controlled, as of June 30, 1956, a total of 27,564,867 acres of land within the 48 States, representing a cost (land and improvements) to the United States of more than \$18.2 billion.

All three military departments—Army, Navy, and Air Force—control some land in each of the 48 States, with total Defense acreages ranging from a high of 5.4 million acres in California to a low of 1,878 Defense-controlled acres in Vermont. Smallest acreage held by a single military department in any one State is the 1 acre controlled by the Navy in Connecticut, while the largest single installation is the Air Force's 3.7 million acre—of which the Atomic Energy Commission now controls some 700,000 acres—Nellis-Tonapah range in Nevada.

Of the total acreage held, 16.9 million acres are withdrawn or reserved public domain lands.

Not shown in the tables above are the approximately 3.1 million acres of public domain lands controlled by Defense in Alaska, for which land and improvement cost figures were not tabulated, but which bring the 48 States-Alaska holdings of Defense to 30,664,887 acres.

STATISTICAL COMPARISON OF LANDS CONTROLLED

Land controlled—exclusive of lands held for civil functions of the Corps of

Engineers—by agencies of the Department of Defense today, totaling in the 48 continental States alone 27.6 million acres, or 43,138 square miles, amounts to a strip of land 14.34 miles in width from New York to San Francisco; an area larger than the entire State of Ohio—41,222 square miles—or Kentucky—40,385 square miles—or Tennessee—42,244 square miles; or an area 21 times the size of Delaware—2,057 square miles—8 times the size of Connecticut—5,009 square miles—5 times the size of Massachusetts—8,257 square miles—or 683 times the size of the District of Columbia.

Put another way, Defense landholdings amount to in excess of six-tenths of an acre of real property for each of the estimated 47 million families in the United States.

These figures do not include the Connecticut-size Defense holdings in the Territory of Alaska, amounting to more than 3 million acres.

PENDING REQUESTS

After reconciling and adjusting figures presented by Defense and Interior in the 84th Congress, the committee determined that there were pending, as of June 30, 1956, Defense requests for additional public land withdrawals which total a little more than 6 million acres in 6 Western States—Arizona, California, Idaho, Nevada, New Mexico, and Utah.

In California alone, where defense agencies already control more than 5.4 million acres, 7 separate applications of the Navy would withdraw an additional 1,961,588 acres, while the Air Force is seeking an additional 7,546 acres. If these applications are approved, total Defense holdings in California would reach more than 7.3 million acres.

Alaska applications pending, which total 2,652,004 acres, bring the States-Alaska pending request total up to nearly 8.7 million acres.

TOTAL OF HOLDINGS AND REQUESTS

If present applications are approved without reduction or adjustment, and assuming no control-acquisition by other means, total Defense landholdings, States-Alaska, would amount to 39.3 million acres, of which 25.6 would be withdrawn or reserved public land.

RATE OF MILITARY LAND ACQUISITION

The basic reason for concern of the House Committee on Interior and Insular Affairs with respect to existing and proposed military land acquisitions can perhaps be best understood when reference is made to the rate of military land acquisition just prior to action being taken by the committee chairman.

During the 18-month period from January 1, 1954, to June 30, 1955, according to statistics compiled from defense reports submitted to the committee during its hearings in the 84th Congress: the Army acquired control of 2,176,512 acres of land and the Air Force 3,775,725 acres, while the Navy reduced its total holdings by 1,781,616 acres. Thus, net acquisition figures for the 18-month period, for the 3 military departments, amounted to 4,170,621 acres.

Boiled down to 547 days, or 13,028 hours, or 781,680 minutes for that 18-

month period this means that defense agencies were adding to their landholdings at the rate of 7,622 acres per day, 317 acres per hour, or—more than 5 acres per minute every minute of the night and day for 547 days.

Pending on June 30, 1955, were requests for 8.7 million acres additional in the States and Alaska. Assuming approval of those applications during the 18-month period between June 30, 1955, and January 1, 1957, the rate of defense agency public land acquisition alone would have been in excess of 11 acres per minute for the 18-month period.

As a result of a requested freeze on applications—as indicated in the following section—acquisitions during the past 18 months through withdrawal of public domain, for all 3 military departments, have amounted to approximately 40,000 acres.

SUMMARY OF COMMITTEE ACTION AND FINDINGS

On the record made by this committee in a total of 28 hearing days and legislation markup sessions spanning the last session of the 84th Congress and the first 8 weeks of this Congress, the House Committee on Interior and Insular Affairs believes that the findings herein—after set out—are established.

1. DEFENSE HOLDINGS, PENDING REQUESTS

Twenty years ago—in 1937—defense agencies of the United States controlled a total of 3 million acres of real property, for all defense purposes.

Today, the total is more than 30 million acres in the United States and Alaska; if all pending defense applications for public lands had been approved, then defense agencies would today control nearly 40 million acres of real property in the United States and Alaska, of which 25.6 million acres would represent withdrawn public lands.

2. RATE OF DEFENSE LAND ACQUISITION

In the 18-month period preceding June 30, 1955—a period of 547 days—agencies of the Department of Defense acquired land at the rate of more than 5 acres per minute every minute of the day and night. Had the applications totaling 8.7 million acres pending been approved between that date and January 1, 1957, the rate of defense agency public-land acquisition alone would have been at a rate in excess of 11 acres per minute.

3. FREEZE ON EXECUTIVE WITHDRAWALS

In view of the sharp upturn in Defense Department land acquisitions, and in view of the fact that all such withdrawals were finalized within the executive departments by Executive action (Defense requests, Interior approved), the committee chairman, Representative Engle, on October 29, 1955, after consultation with ranking committee members on both sides, addressed a letter to the Acting Assistant Secretary of the Interior for Public Land Management requesting that further approvals be withheld until the committee could initiate an inquiry into policies and procedures governing defense withdrawals.

Interior agreed to withhold approval of pending requests, and urged early committee study of the matter in the 84th Congress. Since October 29, 1955,

less than 40,000 acres of public land have been withdrawn for defense purposes.

4. DEFENSE WITHDRAWAL CONTROL LEGISLATION

After extensive hearings during the 2d session of the 84th Congress, the committee developed legislation aimed at returning to the Congress direct control of future defense agency withdrawals of public lands, with both Defense and Interior agreeing that except in cases of most urgent necessity, none of the pending applications would be approved until the control legislation had been disposed of by the Congress.

H. R. 12185, the bill reported in the 84th Congress, passed the House on July 26, 1956, without a dissenting vote and after receiving unprecedented support—from official State agencies of 39 States, from all major national conservation groups, from numerous regional and local groups, organizations, and individuals—and in very large measure the support of the Department of the Interior and the Department of Defense.

House Report No. 2856—84th Congress, 2d session—which accompanied H. R. 12185 to the House set out in detail the findings and conclusions which formed the basis for the unanimous recommendation of the House Interior and Insular Affairs Committee for early and favorable House action, which came too late for Senate consideration of the measure.

The bill also unanimously reported by the committee herewith is in all essentials the bill approved by the House in the 84th Congress, with some language changes made for greater clarification as to scope and procedure.

In addition to requiring an act of Congress before defense land acquisitions exceeding 5,000 acres take effect—including public lands of the United States, Alaska and Hawaii, outer Continental Shelf lands and Federal lands and waters off the coasts of Alaska and Hawaii—the bill operates to make applicable to all military reservations and facilities the hunting, fishing, and trapping laws of the State or Territory in which such installation is located; redefine the responsibility of the Secretary of the Interior with respect to defense-held public lands found surplus to defense needs; and to clarify the existing law with respect to disposition, management, and control of the mineral estate in defense-held public lands.

The findings of the committee in the past 18 months underscore in the committee's view the urgent need for enactment of H. R. 5538.

5. DEFENSE AGENCY CONTROL PROCEDURES

The record made by the committee constitutes a severe indictment of central control procedures in the Military Establishment in nearly all phases of public-land acquisition, utilization, and management over a period spanning many years. It appears that the 800 percent jump—from 3 million to more than 25 million acres—in total military land holdings from the War Department days of 1937 to the creation of the Department of Defense in 1947 was made by independent actions of the military departments—the Army, Navy (for the

Navy and Marine Corps) and Air Force—without benefit of centralized control procedures. Further, that until August 27, 1955, the record shows Defense had cleared without question applications for withdrawal of millions of acres of additional lands solely on the basis of an asserted need by the requesting military department. In turn, the Department of the Interior—responsible for finalizing all public land withdrawal orders—had for years approved application after application on the basis of Defense Department requests, since Interior was without authority or the technical data needed to challenge them.

The consequences of this procedure, until August 27, 1955, when Defense for the first time issued a departmentwide directive establishing a comprehensive periodic reports control procedure, are best indicated in the following sections.

6. TEMPORARY WITHDRAWALS BECOME PERMANENT

During the 6-year period 1939–45, more than 13 million acres of public lands were withdrawn or reserved by Executive action for the use of the military. By the terms of the orders which set aside these lands for the military, they were to automatically revert to public-land status 6 months after the unlimited national emergency; the unlimited national emergency terminated April 28, 1952, and the 6 months plus period expired October 28, 1952.

Yet, on February 20, 1956, a total of 49 of these temporary withdrawals made from 11 to 17 years earlier—embracing 11.9 million acres, and located in 10 States and Alaska, were still in effect.

7. DEFENSE AGENCY POSITION, JANUARY 1956

The testimony of the Departments of Defense, Army, Navy, and Air Force with respect to the more than 30 million acres held in the United States and Alaska as of January 1, 1956, and with respect to the 8.7 million acres' worth of applications which had already been approved by them and by the Defense was, in effect, this: All of the land held as of that date is needed and is being used under maximum multiple-purpose use, and all of the land under application is needed.

Defense Department witnesses did concede that the results of the August 1955 directive might modify these position. The modification—in dollars, acres, resources, and deficiencies revealed—has been staggering.

8. IMPROVED PROPERTY FOUND EXCESS, 1956–57

After the January 1956 testimony of Defense the first of 2,153 reports on that number of Army, Navy, and Air Force installations began to flow into Defense under the 1955 utilization directive.

As of February 2, 1957, with approximately 66 percent of the reports in, but with only about one-third of the total to be received evaluated, Defense found that 1,056,083 acres of land, together with improvements costing \$345.2 million, were excess to the requirements of the military department having custody and control. It should be emphasized that 18,200 acres which cost about \$230 million represents industrial property recommended for disposal, subject to a national security recapture clause.

It will be seen that if the reports evaluated to date are representative, the ultimate finding of surplus improved property (industrial and nonindustrial) may reach 3 million acres with an initial cost of more than \$1 billion. From the standpoint of this committee's particular interest, the significant figures are more than 1 million acres with improvements, but representing nonindustrial property which cost originally \$125 million.

9. MILITARY DEPARTMENT CONTROLS

The committee's tentative conclusion in its 1956 report that serious deficiencies were indicated in defense agency control procedures, in retrospect, appear to have been fully justified, if unduly cautious.

The committee has pointed out that of the three military Departments, Army, Navy, and Air Force, as of February 2, 1957, only the Department of the Air Force had submitted to Defense utilization reports on all of its properties—701 properties, 701 reports—while Navy had submitted about 30 percent—342 of 982—and Army about 90 percent—428 of 470. In turn, Defense had evaluated only about 30 percent of the total reports to be received.

It has also been noted that only the Department of the Air Force had, as of the close of the committee's hearing record, completed a detailed review of its range holdings, real-property policy, multiple-resource policy, and fishing-and-hunting policy. It has also been noted that the Air Force Board, under the chairmanship of Maj. Gen. Leland S. Stranathan, found that as of October 9, 1956:

(a) Instructions governing Air Force ranges were incomplete, obsolete, and complex.

(b) No valid criteria existed for determining range sizes.

(c) Regulations as to multiple use on Air Force ranges do not announce clear-cut policy with regard to the desirability of permitting or encouraging hunting, fishing, grazing, agricultural, and mining activities.

(d) Regulations governing hunting and fishing are divergent and complex.

(e) A total of 9 Air Force ranges in 8 States, and embracing 5.1 million acres of land had been without justification closed to general hunting and fishing.

(f) There is no policy guidance in regulations regarding the desirability or undesirability of leasing Air Force rangelands for grazing and agricultural purposes.

(g) A total of 12 Air Force ranges, embracing more than 6.7 million acres in 10 States had been closed to grazing or agriculture without justification—as the committee noted, page 39, *supra*, applying nationwide Bureau of Land Management grazing averages, such an area would have a theoretical, potential carrying capacity for more than 67,000 cattle and more than 420,000 sheep per year.

(h) Finally, and of greatest import, the Board found, on October 9, 1957, that about 40 percent of the 14.4 million acres of land held by the Air Force and described 9 months earlier before the committee as fully utilized and needed

for the foreseeable future—5.7 million acres—were, in fact, excess to current and long-range Air Force requirements as bombing and gunnery ranges: thus, an area equal in size to a strip of land 2.8 miles wide from New York to San Francisco, held but excess.

The committee has no basis for any conclusion as to whether the findings of the Stranathan board with respect to Air Force holdings are representative of the situation throughout the military departments. It does here reiterate its unqualified conviction that no additional public land withdrawals should be finalized—except in cases of most urgent necessity, and then only subject to revocation thereafter if dictated by the results of studies not yet completed—until the Defense Department has reviewed the Stranathan board findings, and until Defense has in turn insisted on development of similar internal reports on the part of the Departments of the Army and Navy to be followed by detailed scrutiny and evaluation of both at the Defense level.

10. "INCALCULABLE WASTEFULNESS"

The commendation of the Air Force Board in the body of this report for the Board's forthright and direct assault on Air Force internal control procedures, and the highly critical and constructive self-analysis resulting will not, of course, obscure the clear message in the findings. The record of this one military department's analysis of its own operations is, in the committee's view, a recitation of incalculable wastefulness—of taxpayers' dollars, of resources within the reservations marked "closed" for so many years to public multiple use and enjoyment, and of unquestionable but immeasurable damaging effect to the local economies from which each unneeded or unused acre was carved.

11. LOST: 303,000 UTAH ACRES

Reference to one other finding should serve as an exclamation point to the committee's plea for early enactment of legislation which will provide a basis for review of military requests by the Congress.

For 15 years—from 1942 until at least last month—the Air Force has controlled, but admittedly had never used, an area of approximately 303,000 acres of land in western Utah, held in conjunction with Wendover Bombing Range. When pressed for an explanation as to why this 500-square-mile area—more than 7 times the size of the entire District of Columbia—had not been used, Air Force witnesses said that it could not have been used because it was traversed on the surface by a major railroad, highway, and pipelines, and overhead by a commercial airway.

In turn, when asked why it had not been released 15 years ago if not used and admittedly not usable, the Air Force witness made it clear that the Air Force did not know it controlled the area, with this explanation:

I think there may be an explanation of that. I know when I first looked into it, it just did not occur to me that we would own land in a bombing and gunnery range under a commercial airway I think that is probably what beclouded the issue, that

the airway was plotted across the map and one would not think of looking for land under it.

12. NAVY NEVADA LAND

The committee has, in the body of the report—pages 40–41, supra—brought up to date the developments on the request of the Navy for withdrawal of some 2.8 million acres of land in northern Nevada for use as a gunnery range, and the decision, after many months, that Navy would instead satisfy the bulk of its requirements by using the nearly 2 million acres in southern Nevada declared excess on March 1, 1956, by the Air Force.

It appears that by reason of this decision, to the northern Nevada economy there will be saved within the proposed area all or most of the inheld 35 ranches—ranging in size from 200 to 19,000 acres—22,400 cattle and 14,000 sheep grazing in the area; 142 patented mining claims, 1,609 unpatented mining claims, and several millions of dollars worth of operating mines, and a priceless wildlife habitat for antelope, mule deer, sage hens, and chukar partridges.

13. MILITARY HUNTING AND FISHING

The committee has noted the very substantial progress made in the matter of military-local relationships on hunting and fishing during the past year, with a number of specific accomplishments listed in the body of the report—pages 42–46, supra. It is clear, however, that there remains some validity in the assertion that exclusive military hunting preserves still exist.

There has been set out in the body of the report, in some detail, the views of the committee in opposition to the present practice of the "guest of the military" approach, as well as its views on the privileged status of retired military personnel, visiting military personnel, temporary-duty military personnel, and various classes of dignitaries—including Members of Congress—all or some of whom are listed as entitled to hunting and fishing privileges on all or some of the Army's installations. The committee believes that this principal remaining questionable practice should, and can be, reevaluated throughout the military departments where it prevails.

14. THE MILITARY AND PETROLEUM RESOURCES

The report of the committee has dealt, at several points, with the effect of the military overwater or offshore range policy on petroleum resources. Reference has been made specifically to the committee's position on San Nicolas Island, Calif.—pages 50–51, supra—and on the Navy's insistence on retaining intact the existing W-92 warning area in the Gulf of Mexico off Louisiana—pages 51–55, supra. It is believed section 6 of H. R. 5538 effectively lays to rest the San Nicolas matter.

The combination of intractability of the Navy in the matter of the W-92 withdrawal area with the unwillingness or inability of the Department of the Interior to act, and the failure of those responsible in the Executive Office of the President to settle a months-old Defense/Navy-Interior clash, is simply incomprehensible, for the reasons the committee noted in the body of the report on this subject.

This multiple inaction at the executive level does, however, afford an opportunity for early and decisive disposal by the Congress of the matter, in keeping with the basic objective of recapturing to the legislative branch its too long abandoned constitutional responsibility under the property clause.

The statistical effect of permitting Navy's use of 800,000 acres of the shelf lands overlaid by the W-92 Navy warning areas is this: The taxpayers of the United States are being asked to pay outright—through revenues not received from oil leasing—about \$250 per surface acre of salt-water airspace over the Gulf of Mexico for asserted naval gunnery needs—when the same Navy controls more than 16,000 square miles—13.8 million acres—of other warning areas in the Gulf of Mexico and has had designated there an additional 10,000 square miles—8.8 million acres; further, that the Navy already controls, or has had designated, warning areas totaling 236,000 square miles—198.7 million acres—in surface area off the Atlantic and Pacific coasts.

The committee, failing action before House disposition of H. R. 5538, stands ready to propose an amendment aimed at resolving the W-92 matter.

15. "SUPER-RANGE" PLAN DISCARDED

From testimony of witnesses representing the Atomic Energy Commission, Air Force, and Navy in 1956, the committee had expressed concern at the proposal to carve out of public domain a new joint-use "super range" for ballistics-testing purposes in the vicinity of Albuquerque, N. Mex. From testimony last year it appeared this range might require as much as 10,000 square miles in 1 piece—an area 100 by 100 miles on its extreme axis—or, roughly, 6 million acres.

Decision of the Air Force to obtain use of the airspace and of non-federally-owned lands of lesser area within and over the Navaho Indian Reservation, and on terms satisfactory to the tribe, is applauded by the committee as an alternative to the original and tentative plan.

16. SUMMATION OF TODAY'S DEFENSE NEEDS: "CUBIC MILES"

The technological advances made in development of our modern utensils of war have outmoded traditional concepts of military land acquisition, management, and control, just as they have made obsolete, over the years, what were called at the height of World War II conventional-weapons concepts.

In an age of high-speed, high-altitude, and pilotless aircraft, of ground-to-ground, ground-to-air, air-to-ground, and air-to-air atomic and hydrogen projectiles and missiles, it appears that the United States Defense Establishment had concentrated so much—and so effectively—on the operations aspects of its collective missions that it had at the same time largely ignored updating the procedures and policies governing acquisition, management, utilization, and control of real property deemed necessary to carry out these missions. Put another way, while policies for carrying out the basic defense mission advanced

to a supereffective point, policies for assuring vital domestic land and related resources were permitted to remain outmoded, wasteful, stifling to resource development, decentralized, and ineffective.

We have said that if all pending Defense applications were approved today, then defense agencies would control nearly 40 million acres of land surface area in the States and Alaska, and at the same time they would control inland and offshore airspace overlaying a surface area aggregating an astronomical 602,000 square miles—388.9 million acres. The answer to the 1956 plea of this committee that "Defense agencies should get out over water with their ranges" is clear: they're already there.

It is clear to this committee, then, that military use requirements today must be thought of in terms of both horizontal and vertical needs. While the concern and jurisdiction of this committee is limited to the former, and then only where public lands are involved, the committee believes that it is absolutely vital that continuing reevaluations be made of Federal legislation and administrative controls governing the assignment and use of airspace, which does involve the latter.

As reported above, the committee believes that very substantial progress has been recently made by defense agencies in the direction of vastly improved real property procedures, which involves horizontal needs; it is possible that similar studies of defense airspace, or vertical needs, would achieve similar results. This is so because the record made in the 84th Congress, and in this Congress makes it clear that, where we spoke of "military acres" pre-World War II, and "military square miles" by 1945, today those requirements can only be adequately described in terms of "cubic miles."

STRANATHAN BOARD REPORT

Mr. Chairman, so that the record might be complete and unmistakably clear, I desire to briefly enlarge upon the comments of my committee with regard to the work of the United States Air Force Weapons Range Board and its very substantial contribution toward achievement of a sound military land acquisition and maximum multiple-use policy consonant with what the committee believes should prevail throughout the Defense Establishment.

As was noted in House Report No. 215, accompanying the bill under consideration today, the Chief of Staff of the Air Force on January 11, 1956, appointed what was designated as the United States Air Force Weapons Range Board for the purpose of "reviewing and determining the current and future United States Air Force bombing, gunnery, rocketry, and missile range requirements for training, testing, proficiency, and development purposes."

On October 9, 1956, the Board submitted its report. The contents of that report and the conclusions reached are dealt with at some length in the committee report on the pending legislation, and in a manner which may tend, on balance, to detract from the true value and scope of the Board's work. I take

this opportunity to set the record straight on that score.

COMPOSITION OF THE BOARD

Because I believe those who brought the report into being deserve the highest commendation of this body, I take this opportunity to list those who brought it into being: Maj. Gen. Leland S. Stranathan, Chairman; Maj. Gen. Edward H. Underhill; Brig. Gens. Kurt M. Landon, William E. Rentz, Charles H. McCorkle, William E. Blanchard, Avelin P. Tacon, Jr., and Arthur C. Agan, Jr.; Col. Joseph F. Brannock; and Lt. Col. David F. MacGhee.

I am convinced—as I believe Members will be in examining the record made by our committee in its 2-year study of military land matters—that the Stranathan Board report is a milestone of progress in the field of defense real property acquisition and use. The report demonstrates that at least 1 of the 3 great military departments can internally view its own workings, can do so objectively, and come up with blunt, candid—and highly constructive—self-criticism.

The report of the Air Force Board, we have said, will result in several millions of dollars of direct savings at the outset, and the procedures established within the Air Force as a result of the study hold promise of tens of millions of dollars in savings in future operations. If the same hardheaded self-analysis were to be applied throughout the Department of Defense, we would make a considerable dent in the lump-sum automatic defense appropriations for real property acquisition and administration.

Further, I believe that the Air Force Board has set a standard in its approach which offers a real and continuing challenge to the other military departments. I want to suggest, here and now, that about 1 cubic foot of space be reserved in the Air Museum of the Smithsonian Institution in the section where we keep our prototype exhibits—and, when it is declassified, they can put the Stranathan report in there as the first of its kind in its field, alongside our other prototypes.

REAL PROPERTY CONTROL

For nearly 15 years, I have been fighting in the Congress to get the military agencies to take a long, hard look at existing real property policies and procedures. Have they? Let us look at the record.

It should be noted that the Department of the Air Force was the first of the military departments to establish—in May of 1955, several months before the Department of Defense itself got around to the same action—basic internal real property reports control procedures.

The Department of Defense in August of 1955 issued a directive requiring a defensewide utilization study by each of the 3 military departments on the 2,153 separate installations or facilities controlled.

It should be noted that—as of the date our committee closed its hearing record—only the Department of the Air Force had submitted reports on all 701 of its installations and facilities. I believe it is significant that the Air Force had demonstrated its good faith by respond-

ing to that directive before it pressed for withdrawal of additional acreages.

The record should also show, I believe, that only 1 of the 3 military departments—again, the Air Force—has as of this date completed a detailed, and sometimes painful, internal study of its real property policies and procedures. As we have noted, this study resulted in a finding that more than 5.5 million acres held for bombing and gunnery range purposes were excess to current Air Force needs for such purposes. By way of contrast, the Department of the Navy—which is seeking more than 5 million acres of additional public lands in Nevada and California alone—has continued to press for those lands notwithstanding the fact Navy had submitted a scant 342 of her required 982 utilization reports the day we closed our hearing record.

MULTIPLE-USE CONCEPTS RECOGNIZED

The Stranathan Board report also stands, on the record, as proof that constructive and objective departmental self-analysis can result in conclusions reflecting the highest sense of responsibility for minimizing the impact on local economies dependent upon multiple public land and public land resources use.

We have noted that the Air Force-Fish and Wildlife Service joint agreement of December 17, 1956, for the development of fish and wildlife conservation programs throughout the Air Force stands as a landmark achievement in the field of military agency resources conservation. So, too, do the conclusions and recommendations of the Board with respect to compatibility of grazing, agricultural, and related uses by private citizens on millions of acres of Air Force lands.

During the hearings in the 84th Congress on the predecessor to the bill pending here today, and in its report of last Congress, the House Committee on Interior and Insular Affairs issued a challenge to the Department of Defense, and to Army, Navy, and Air Force. That challenge, in effect, was this: "Prove your good-faith intentions to reexamine your policies and procedures for acquisition and utilization of public lands for defense purposes."

One military department has responded, in very large measure, to that challenge. In so doing, it has supplied the Congress with proof that there are personnel in the Defense Establishment with know-how in public land and general real property matters. In the doing, also, Congress has been supplied with a yardstick to measure against present and future demands of other military departments.

SECTION-BY-SECTION ANALYSIS OF H. R. 5538

First. Section 1 of the reported measure deals with the withdrawal and reservation for, restriction of, and utilization by, the Department of Defense for defense purposes of the public lands of the United States.

This section declares that, notwithstanding any other provisions of law—except in time of war or national emergency hereafter declared by the President or the Congress—the provisions of the act will take effect upon enactment. Lands and waters included within the

scope of the bill include: public lands of the United States; public lands of the Territories of Alaska and Hawaii; Federal lands and waters of the outer Continental Shelf, as defined in section 2 of the Outer Continental Shelf Lands Act (67 Stat. 462); and Federal lands and waters off the coast of the Territory of Alaska and the Territory of Hawaii.

The committee, in employing the term "public lands," intends it to apply in its technical or legal sense, as distinguished from "reserved public lands" or "withdrawn public lands," and "acquired public lands." It should be noted that section 1 makes clear the application of the provisions to all public lands—as defined therein, and in this report—but does not preclude application of some of the provisions of the bill to other real property owned or controlled by the United States.

The term "Federal lands and waters off the coast" is employed to make clear the intention of the committee that the act's provisions apply to lands and waters lying seaward of the territorial limits of the Territories of Alaska and Hawaii.

Subparagraph (2) reflects the intent of the committee that the act not be deemed to apply to withdrawal or reservation of public lands specifically as naval petroleum, naval oil shale, or naval coal reserves.

Subparagraph (3) was approved by the committee in light of the committee's position that the establishment of existing—pre-August 7, 1953—over-water warning areas does not—in light of enactment of the Outer Continental Shelf Lands Act of August 7, 1953—operate to preclude mineral exploration and leasing activities under the 1953 act. The committee, with this understanding and position, did conclude that until pending Defense designations under the 1953 act have been processed and disposed of through the procedures established in the reported bill, the warning areas should be left undisturbed.

Subparagraph (4) of the first section excepts from the congressional review sections of the bill, for the reasons set out in the body of the report, five long-established military reservations subject to termination of the unlimited national emergency, and for which Interior on October 27, 1952, authorized continuing use, namely, Williams bomb range, Arizona; Camp Irwin, Calif.; Edwards Base, Calif.; Nellis rifle range, Nevada; and a portion of the Boardman bomb range, Oregon.

It will presently be seen that all or parts of section 4, section 5, and section 6 apply not only to public lands, but to certain other Federal real property as well.

Second. Section 2 contains the basic provision of the bill, which establishes a requirement that withdrawals, reservations, or restrictions of more than 5,000 acres in the aggregate for defense purposes may hereafter be made only by act of Congress.

The section contains language which would preclude the making of a number of cumulative withdrawals, each for less than 5,000 acres, where all would be used for any one defense project or facility of the Department of Defense.

Testimony of witnesses for the Department of the Interior made it clear that the great majority of individual applications for any one project or facility in fact involve lands of less than 5,000 acres, and as may be noted below, the Department of Defense in its report does not object to this section of the act. In testimony given subsequent to the receipt of the Defense Department report, witnesses for the Department of Defense directly negated a question as to whether the 5,000-acre breaking point in the bill would unduly hamper or interfere with carrying out the defense mission.

Third. Section 3 would lay a more adequate base for fully determining at the local level and for congressional consideration the resource impact of proposed withdrawals.

Defense agencies would continue to file applications for withdrawal, reservation, or restriction of public lands with the appropriate local land office of the Bureau of Land Management or with the Department of the Interior, just as is done under present procedure. Continuance of this procedure would accomplish the same dual effect achieved by existing practices: First, the recordation of the application in the appropriate office has the effect of segregating temporarily the lands requested from all forms of entry under the lands laws, thus serves as a sound antispeculation measure; second, continuance of existing procedure would provide notice at the local and State level—through requisite Federal Register publication and/or press releases issued by Bureau of Land Management State supervisors—that the application had been made.

Thereafter, if the aggregate acreage of public lands included within the proposed withdrawal, reservation, or restriction falls within the requirements of H. R. 5538 as evidenced by the public lands records maintained by the Department of the Interior, the Department of the Interior would then develop, for transmission to the Congress, proposed legislation having as its purpose effecting the withdrawal requested, and containing such provisions for continued operation of the public lands laws within the area proposed to be withdrawn as may be determined to be compatible with the intended military use.

To achieve these objectives, section 3 would require applications to specify, in addition to the name of the requesting agency, using agency, location and description of boundaries of the area, and gross acreage involved: the purpose or purposes—unless classified for national security reasons—for which the area is proposed to be withdrawn; whether contamination will result, and if so, whether such contamination will be permanent or temporary; the extent, if any, to which the proposed use will affect full operation of the public-land laws and Federal regulations relating to conservation, utilization, and development of mineral resources, timber, and other material resources, grazing resources, fish and wildlife resources, water resources, scenic, wilderness, recreational and other values; and, if the area to be withdrawn involves the use of water, the agency

would be required to state whether, subject to existing rights under law, it has acquired or intends to acquire rights to the use of the water in conformity with State laws and procedures relating to the control, appropriation, use and distribution of water.

Relating of the requirements in the proposed bill to the findings of the committee, as set out hereinbefore, should make abundantly clear the reasons why they are included, and the results the committee believes will be achieved.

One observation needs to be made: the record made by the committee suggests that applicant defense agencies have tended to turn to the clause "if the purpose or purposes are classified for national security reasons" as a device to relieve them of the burden of making known the general purpose for which such areas are to be withdrawn. It does not appear that such generalized terms as "gunnery range," "bombing range," "missile range," and the like would seriously threaten the national security, particularly when the areas involved may range from 1,500 to 3,000 square miles in area, an area of such size that it simply cannot be subtly and deftly removed from the operation of the public lands laws without generating substantial local interest, and interest of the State or Territory affected.

Fourth. Section 4 has as its objective substantially reducing the areas of present and continuing conflict between State and Territorial officials and the commanding officers of military installations and facilities involving the management, conservation, and harvesting of fish and game resources, and the enforcement of fish and game laws of the State or Territory within military installations or facilities.

This section, as was noted in the comments on section 1, applies not only to reserved public land reservations, but to acquired lands as well; its broad purpose is to make State hunting, fishing, and trapping laws applicable as Federal laws on all military installations.

Section 4 (a) (1) would require that all hunting, trapping, and fishing on all military installations and facilities—including those falling presently within the exclusive Federal jurisdiction status—be in accordance with the fish and game laws of the State or Territory in which such lands are located. Section 4 (a) (2) would require that State or Territorial licenses be obtained for hunting, trapping, and fishing on any such areas if local law (i. e., State or Territorial law) authorizes license issuance to Armed Forces members on bona fide military duty for more than 30 days at such installation within the State or Territory involved, without regard to residence requirements, and open terms no less favorable than those upon which a license is issued to residents.

This subsection—(a) (2)—anticipates affirmative action being taken by some States before hunting, trapping, or fishing within such reservations must be licensed by State law; it does not anticipate that for such activities outside such reservations the same preferred treatment must be afforded military person-

nel. Since subparagraph (1) of section 4 (a) requires that all hunting, trapping, and fishing at the installation or facility be in accordance with the fish and game laws of the State or Territory in which it is located, the clear intent is that such activities can be conducted if at all, only in accordance with State law relating to season and bag limits, methods of taking, and so forth, even though the military personnel are not required to comply with State licensing requirements within the reservation because of the State's failure to establish preferential treatment with respect to residence.

In other words, hunting within all such reservations—with or without State provisions establishing preferred military treatment—can only be conducted after the effective date of the act, if in compliance with State fish and game laws, excepting licensing. The State may or may not provide for preferred treatment outside such reservations to be assured State licensing within such reservations, if the State has met the residence waiver requirements of this subparagraph.

Possible dual construction of the clause "for a period of more than 30 days" deserves clarifying comment: If an individual is actually assigned on bona fide military duty by orders providing for duty status at the installation involved, so that his orders require his presence at the installation for a minimum of 30 days, he would then be eligible for a license under the preferred status provisions when first physically present for duty on such orders.

Subsection 4 (a) (3) mandates the Secretary of Defense, in cooperation with the appropriate governor or his designee, and subject to safety and military security requirements, to develop procedures whereby State or Territorial fish and game or conservation officials may have full access thereto "to effect measures for the management, conservation, and harvesting of fish and game resources."

The quoted language anticipates not only that the obvious results will be achieved, but the possibility that—in areas where insufficient military personnel are present to adequately enforce fish and game laws, such as the case at Camp McCoy, Wis., referred to above—State game officials may be deputized as Federal marshals to assure adequate enforcement.

Subsection 4 (b) requires the Secretary of Defense to prescribe regulations to carry out the provisions of section 4, and reflects the committee's conclusion that only through such a provision will there be assurance that regulations are to be uniform at all Army, Navy, Marine, and Air Force installations.

Subsection 4 (c) provides that violations of the State and Territorial fish and game laws made applicable to military installations and facilities are violations of Federal law, and subject to like punishment as though committed or omitted within the State or Territorial jurisdiction.

Lastly, subsection 4 (d) specifically recites that rights granted by treaty or otherwise to any Indian tribe or members thereof are not modified by the provis-

dealing with fishing, trapping, and hunting.

Special reference should be made to the applicability of this section to the Territory of Alaska, and military installations located therein. There is set out hereafter a letter (see p. 74) from the Alaska Game Commission, recommending amendments to make it clear that Alaska's present requirement that military personnel must actually be present in Alaska for a 12-month period before becoming entitled to a resident hunting license. The committee, for the reasons assigned by the Alaska Game Commission spokesman in his appearance before the committee, agrees that his licensing provision should not be changed at this time in Alaska; however, the committee has concluded that, without any amendment, the special 30-day provision would not be applicable in Alaska, since the law governing fishing and hunting in Alaska—including licensing provisions—is presently a Federal law, rather than the law of a State or Territory.

Fifth. Section 5 would amend in two particulars the Federal Property and Administrative Services Act of 1949—63d United States Statutes at Large, page 377—as amended.

It would except from the real property-disposition provisions of the 1949 act, minerals in withdrawn or reserved public domain lands which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws.

Next, it amends the 1949 act to provide that only those withdrawn or reserved public domain lands surplus to the needs of Federal agencies found by the Secretary of the Interior—with the concurrence of the Administrator of General Services—not suitable for restoration to public land status by virtue of their having been substantially changed in character by improvements, or otherwise, would hereafter be subject to the real property disposition provisions of the amended 1949 act.

Both of these amendments would clarify the operation of existing law; one would make it clear that only when determined by the Secretary to be not suitable for mining or mineral leasing purposes would the mineral estate pass with the title to the surface estate being disposed of under surplus property provisions; the other would reverse the roles of the Secretary and the Administrator so as to provide that the Secretary would make an initial judgment of the nature with which his Department is most familiar—suitability of lands for public land uses, a traditional Interior function—and if the Administrator concurs in a finding of nonsuitability, the lands would be disposed of as surplus.

Sixth. Section 6: Finally, the reported measure provides, in section 6, that all minerals in withdrawn or reserved public lands—except lands withdrawn or reserved specifically as naval petroleum, naval oil shale, or naval coal reserves—are under the jurisdiction of the Secretary of the Interior, and that no disposition thereof shall be made except under "the applicable public land mining and mineral leasing laws."

Read together with the committee findings above respecting the Defense position on petroleum resources, the object and purpose of this section are clear. Until the presentation by Defense witnesses on petroleum reserves, and the effect of the prospective airspace withdrawal on pending applications for restriction of our Continental Shelf lands, committee members had believed there was universal agreement that responsibility for disposition of minerals in withdrawn or reserved public lands was exclusively vested in the Secretary of the Interior, but only if consistent with the defense use.

Enactment of this section into law actually constitutes a restatement of the law as it is today, in the view of the committee and the Department of the Interior. In short, as declared above, the provisions of section 6 of the reported bill will serve to remove whatever doubts may exist, if any, as to the laws which govern the disposal of or exploration for, any and all minerals, including oil and gas, in public lands of the United States heretofore or hereafter withdrawn or reserved by the United States for the use of defense agencies.

The CHAIRMAN. The time of the gentleman from California [Mr. ENGLE] has expired.

(Mr. ENGLE asked and was given permission to revise and extend his remarks.)

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska, Mr. MILLER.

(Mr. MILLER of Nebraska asked and was given permission to revise and extend his remarks.)

Mr. MILLER of Nebraska. Mr. Chairman, I join with my colleagues on the House Interior and Insular Affairs Committee and here on the floor in strongly endorsing this long-overdue legislation. While my own State of Nebraska is not the site of extensive Federal land holdings, I have sat too long on the House Interior Committee to not appreciate the real military impact on local economies—the exclusion of multiple-resource utilization, needlessly, on millions of acres of lands, particularly in the 11 Western States.

With my colleagues, I believe that whatever the Defense Establishment needs, it should have. I am sure this body will always do its part quickly and conscientiously in seeing that they get whatever real property is needed, wherever it is needed. But the record made in the 84th Congress and in the 1st session of this Congress underscores three major reasons for enactment of H. R. 5538 now, in my view:

First, enactment of H. R. 5538 pulls back to the Congress in an area of greatest single-purpose land use—military public-land area for bombing, gunnery, missile, and related range purposes—the congressional responsibility under property clause of the Constitution for "making all needful rules and regulations respecting the property belonging to the United States."

Second, enactment of this military land withdrawal control legislation now will go a long way toward restoring balance and perspective to maximum mul-

multiple-resource use policies in the matter of public lands and public-land resources—grazing, timber, and other materials, water, minerals, fish and wildlife values, and wilderness and scenic values.

Third, and perhaps most important, enactment of H. R. 5538 now—in a non-national emergency period—will lay a base upon which the defense agencies will be required to develop procedures which will minimize public land and local economy impact in the event another national emergency should develop in the future. In short, we will not witness again the 800-percent military land increase which took place between 1940 and 1945, when military land holdings jumped from 3 million acres to more than 25 million acres.

I hope we can approve the measure unanimously, and for my own part, trust that before too many months have passed our committee can review in detail the past and present land-acquisition policies of our other major public-land users, such as the Forest Service, National Park Service, Fish and Wildlife Service, Corps of Engineers, and the Bureau of Reclamation. Those agencies too—and almost exclusively through executive action based in most instances on statutes, if any, placed on the books many, many years ago—have acquired millions of acres of lands which are, or are not, being held and used in conformity with sound maximum multiple-resource use policies. Congress should recapture its property-clause responsibilities straight across the boards.

H. R. 5538 is a good start on what I hope will be a pattern for future legislation.

Mr. SAYLOR. Mr. Chairman, I yield such time as he may desire to the gentleman from Utah [Mr. DAWSON].

Mr. DAWSON of Utah. Mr. Chairman, the greatest military machine the world has ever known now holds more than 43,000 square miles of American soil and is still enlarging its area of occupation.

Happily, that military machine is our own. I appreciate that upon its strength and upon the adequacy of its training rests our assurance that never will it be the armies of another nation which take over such a huge chunk of our country.

But I have long been concerned at the pace and capriciousness with which the Department of Defense has been withdrawing vast areas from our public domain.

H. R. 5538, in behalf of which I speak, having introduced a like bill, would not deprive our military of any lands, public or private essential to national defense. But it would require that further sizable withdrawals of our public lands be made only after the proposed withdrawal had been justified to the Congress.

In other words, Mr. Chairman, this legislation would be our assurance that the military acquisition of our jealously guarded public lands was based upon actual need, not upon whim from some far-removed swivel chair.

One example, even if it were an isolated case, shows the need for this protective legislation. I refer to the "lost" 303,000 acres in my own State of Utah,

Here, in conjunction with the Wendover Bombing Range, the Air Force for 15 years has held an area of 500 square miles which it not only has never used but only belatedly learned that it controls.

Or consider the case of the Nellis-Tonopah Air Force Range in southern Nevada, where the Air Force has released 1,800,000 acres of land—land so contaminated with unexploded ordnance that it now would require the expenditure of \$10 an acre to make it safe for ordinary civilian use.

The Air Force's own Weapons Range Board reported last year that 6.7 million acres of land in 10 States had been closed to grazing or agriculture without justification.

At the end of last fiscal year the Defense Department's total holdings included more than 26,500 square miles—nearly 17 million acres—of the public domain. And at that time there were pending applications for another 6 million acres.

In a State like Utah, where nearly 3 acres out of every 4 lie within the public domain, we necessarily must be deeply concerned with the use to which these lands are put. They are, in large part, our stock ranges and the depositories of our natural resources.

Let me repeat that this bill would not deprive, nor would I want to deprive, the Department of Defense of a single acre of ground which it actually needs for national defense. We in Utah are proud of the military installations located within our State and the part they play in the defense of our country.

But when every acre taken away also takes something away from a sheepman, a cattleman, a prospector, or a miner, it is a matter of simple justice that they be protected against arbitrary decisions.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. KILDAY].

(Mr. KILDAY asked and was given permission to revise and extend his remarks.)

Mr. KILDAY. Mr. Chairman, I am not authorized to speak for the Committee on Armed Services. However, the staff of the Committee on Armed Services has been over the bill very carefully and has worked with some of the members of the Committee on Interior and Insular Affairs. We have come to some definite views and conclusions with reference to the bill. I would not be able to state that all of the military Department of Defense are perfectly happy about some of these provisions. However, with one exception which I will mention later, I hope this is a bill that the military can live with. I realize they would rather not have any limitation upon the right to apply for the withdrawal of land from the public domain. But the regulation that Congress shall pass upon the withdrawal of anything in excess of 5,000 acres is reasonable. The same would apply, of course, with reference to the question of hunting and fishing and the preservation of wild life and so on. I believe the provisions of the bill in that regard are reasonable.

In section 6 of the bill, there is a provision which would apply to lands heretofore withdrawn and assigned to the military as well as to lands hereafter to be withdrawn by the military for military purposes. As to the lands heretofore withdrawn, I believe rather than having the Secretary of the Interior join in determining whether the use of it for leasing for mining and minerals would interfere with the military uses is not quite reasonable. I believe the determination as to whether these activities would be inconsistent with the military purposes should be made by the Secretary of Defense after consultation with the Secretary of the Interior. So, at the proper time I propose to offer, and I hope the Committee will see fit to accept, an amendment which would strike out the present proviso appearing on page 8 starting line 14:

Strike out that proviso and insert: "Provided, That no disposition of, or exploration for, any minerals in such lands shall be made where the Secretary of Defense, after a consultation with the Secretary of the Interior, determines that such disposition or exploration is inconsistent with the military use of the lands so withdrawn or reserved."

I hope the committee will see fit to accept it. I believe, actually, it would improve the proviso which now appears in the bill by giving the authority to 1 member of the Cabinet rather than to have 2 members of the Cabinet being under the necessity of coming into agreement. At the proper time I propose to offer that amendment.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SAYLOR. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I want to commend the chairman of our committee for his diligence in working on this bill and bringing it to the floor of the House. This is a clean bill and is the result of hearings which extended over a long period during the last session of the Congress and for about 2 months during the present session of the Congress.

I would like to give credit to some of the other Members of the House who have introduced similar bills. The gentlemen from Utah [Mr. DAWSON], the gentleman from Wisconsin [Mr. JACKSON], the gentleman from Montana [Mr. METCALF], the gentleman from Wyoming [Mr. THOMSON], the gentleman from Arizona [Mr. UDALL], the gentleman from Nevada [Mr. BARING], the gentlewoman from Idaho [Mrs. FOSTER], the gentleman from Utah [Mr. DIXON], and the gentleman from Idaho [Mr. BUDGE] and myself.

This bill will go a long way toward making the various communities get along a little better with the armed services. One of the biggest complaints that appeared in the testimony before our committee was that when the military moved into an area and took large sections of the public domain they would do it without seeking any advice, assistance, or consultation with the local people.

As a result of this bill it will be necessary for the military to come to Congress, and the Members of Congress will

have an opportunity to take it up with the people in their local communities who will be affected by any withdrawals, and I feel it will be a step forward in public relations as far as all branches of the military are concerned.

I wish to call your attention to an amendment I intend to offer. Believe it or not, many of these military reservations are regarded by their commanding generals and admirals as private hunting preserves and only those are allowed on them who meet with the approval of the commanding officer. I would like to read one of the regulations that was put out. It states:

The Commanding General of the United States Army Armor Section shall issue to Members of Congress, high Government officials, city officials of communities adjacent to Knox and Breckenridge, and prominent citizens who have demonstrated active interest in military affairs invitations to hunt and fish at Knox and Breckenridge.

I propose to offer an amendment which would provide that Members of Congress as well as these other privileged groups shall be admitted only when they comply with State law; that is, if you were invited to hunt you may go and hunt but you must buy a license, and if you are an out-of-State resident you will be required to buy an out-of-State license, and you will be required to comply with the game laws just as any other citizen would be if he were hunting in any other place in the State. This, I think, is only fair to allow the State to insist that the people who hunt on military reservations comply in all respects with the laws of the State.

Mr. MILLER of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield.

Mr. MILLER of Nebraska. I really believe that is taken care of in the bill, page 5, lines 16 to 19:

(1) Require that all hunting, fishing, and trapping at that installation or facility be in accordance with the fish and game laws of the State or Territory in which it is located.

Mr. SAYLOR. True, that is there, but this amendment merely puts in a little more detail to make sure that the high members of the military who have charge of the post do not feel they have any prerogative to maintain their right to hunt without any regard to State game laws and bag limits. Cases were brought to our attention where people were invited to military reservations to kill game out of season. Such instances do not make for good public relations, and I feel it is incumbent upon Congress to take the responsibility in seeing to it that when the military come to them for requests for withdrawals that they shall also say to the military that hunting shall comply with the laws of the States.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SAYLOR. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. TEAGUE].

Mr. TEAGUE of California. Mr. Chairman, I take this time to go on record as favoring this legislation and to a case in support of my position. In my

own district we have 9 or 10 of these military installations, some active and some inactive. In this latter category is where the trouble arises. The citizens in my district do not object to giving up land which is necessary for a good military purpose and which is being used for such purpose, but they do object when there are thousands and thousands of acres which are not being utilized and which, of course, are off the tax rolls. I think it is highly important that the military be subject to this additional check proposed by this legislation to be sure that everything is being done to see that land which is already owned is used wherever possible.

In my own experience, two of the top men in the Defense Department have been very helpful in trying to check this over expansion. They are former Assistant Secretary Franklin Floete and his successor, Floyd S. Bryant.

We did, however, have a problem last summer which I believe, had this legislation been in effect, would not have arisen.

It was announced rather suddenly one morning that the Navy intended to acquire a strip of land 20 to 30 miles wide and 150 miles long going through a national forest in my district. Incidentally, it would also have taken about 25 percent of the agricultural land in one of my counties. Had this additional check been required as it will be when this bill is passed I think that would not have come about. Fortunately the Navy found it could go elsewhere and do the job just as well.

I would like again to commend the chairman of the committee and to express the hope that this legislation will be adopted.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from Louisiana.

Mr. BROOKS of Louisiana. I know the gentleman has made a careful study of this bill. I would like to ask him a little bit in reference to the meaning of the term "public lands." I have a particular case in mind in reference to this definition of "public lands." The definition is a little hazy in a good many respects. Just exactly what is public land? For instance, I have in mind a case where my home city, Shreveport, La., gave to the United States for military purposes 23,000 acres of land. It occurs to me this provision which my colleague, the gentleman from Texas [Mr. KILDAY] referred to being retroactive to lands heretofore conveyed might in some way be construed for mineral purposes to cover lands of that sort.

Mr. TEAGUE of California. I am not a member of this committee. I should like to yield to the chairman of the committee to answer the question.

Mr. BROOKS of Louisiana. I will be very happy to hear from our distinguished friend the Chairman.

Mr. ENGLE. I would refer the gentleman to page 5 of the committee report. At that point is set forth the definition of "public lands, or public-domain lands." In order that it may be perfectly clear what we are talking

about, the definition set forth there is as follows:

Original public domain lands which have never left Federal ownership; also, lands in Federal ownership which were obtained by the Government in exchange for public lands or for timber on such lands; also, original public-domain lands which have reverted to Federal ownership through operation of the public-land laws. (Source: Department of the Interior, Bureau of Land Management, Glossary of Public-Lands Terms, 1949.)

That is the kind of land we are talking about. This bill does not affect acquired land.

Mr. BROOKS of Louisiana. Will the gentleman read the following paragraph? I read that particular paragraph, which is clear enough, but in the next paragraph of the report a clear situation may be beclouded by the language that follows.

Mr. ENGLE. I do not believe so. The next paragraph says:

In its technical, legal, or statutory sense, however, the term "public lands" by itself—employed interchangeably with the term "public-domain lands"—is today used to embrace vacant, unappropriated, unreserved Federal real property.

That is exactly what we are talking about. We are not talking about lands acquired by condemnation, gift, or otherwise. We are talking about the public land areas of the United States.

Mr. BROOKS of Louisiana. Let me ask further. After the portion which the gentleman read, the report says:

I. e., lands open to the public lands laws relating to settlement, entry, location, and sale, and authorizing entry for mining, mineral leasing, timber and other materials removal, local public purposes, recreation, homesteading, etc. Such lands are administered by the Bureau of Land Management, Department of the Interior.

I want the gentleman to clear up the point, because with us it is a very serious point.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. RHODES].

(Mr. RHODES of Arizona asked and was given permission to revise and extend his remarks.)

Mr. RHODES of Arizona. Mr. Chairman, I will be glad to yield to the chairman of the committee if he desires me to.

Mr. ENGLE. Since the gentleman has yielded to me, I will answer the gentleman with reference to his inquiry. It is our position that this bill applies only to the public-land areas and, as a consequence, it does not affect the other types of areas.

Mr. BROOKS of Louisiana. In other words, if this particular tract—Barksdale Air Force Base—which was given to the Government in about 1930, has oil and gas and minerals under that tract of land, this gives no authority to the Department of the Interior to authorize drilling in that particular tract other than the authority that they presently have, if any, before the passage of the bill?

Mr. ENGLE. This bill does not add to any authority that they already have in that respect. In other words, if they

do not have the power now, this bill does not give it to them.

Mr. BROOKS of Louisiana. It was purely a gift for military purposes. There has been some drilling under an Executive order of the President which permits offset drilling. Now, this does not add to that authority, as I understand it.

Mr. ENGLE. No.

Mr. BROOKS of Louisiana. Nor does it extend the terms of any Executive order or regulation in that respect?

Mr. ENGLE. No; it does not. But, in order that the record may be clear, I want it understood that I do not know whether the Department of the Interior has the authority to do the drilling now; but, if they do not have the authority to do the drilling now, this bill does not give them the authority.

Mr. BROOKS of Louisiana. The gentleman has been generous in yielding time, and I thank him.

Mr. RHODES of Arizona. I would like to address a question to the chairman of the committee, if I may, in regard to subparagraph (a) (2) on page 5 and continuing on page 6. It appears from the wording of the bill that there might be some doubt as to the type of license which a State must give a member of the Armed Forces who has been stationed at an installation for 30 days. It was my understanding, as a member of the committee, that this license which must be given to a member within 30 days, would be such a license as to allow him to hunt only on the installation to which he is assigned and not allow him to hunt in all places within the State. Is that a correct assumption?

Mr. ENGLE. That is a correct statement.

Mr. RHODES of Arizona. I thank the gentleman.

Mr. Chairman, I would like to add my word of compliment to the chairman of this committee and to the members of the committee who have worked very hard and very long on this bill. It became apparent in the 84th Congress—and I think before that time—that some regulation was needed as to the withdrawal of public lands for military use. A good many times in this country—too often, I might say—the public lands have been regarded as an asset which will never be dissipated. However, it is fast becoming apparent to a lot of us that our land, one of our great remaining natural assets of the country, must be conserved, much more systematically than we have in the past. In fact, I might say that in the future we will be very glad to have all of these lands, even those regarded by some as worthless. It may be that the population of the United States will increase to such an extent that this land will be needed not only for the sightseers who desire to enjoy its natural beauty but also for the subsistence and support of the population. I am sure it is wise that this committee of this Congress has taken cognizance of this situation and has brought this bill out which will do so much to provide a means of safeguarding and conserving these public lands for the future. I hope this committee will be equally vigilant

and equally zealous in providing even more means for further conservation of our public lands. I have in mind particularly the fact that we have much public land which is not even inventoried. In other words, the highest and best use of certain public lands has not been determined. There is also the fact that in many of our Western States there is more land in the public domain than there is on the tax rolls. That is a matter which some day must be considered by this Government. As a representative of the West I cannot urge too strongly that these various problems be considered and solved as soon as possible.

Mr. JOHNSON. Mr. Speaker, I hope the land withdrawal bill before us today will draw the close attention of all who are interested in maintaining and preserving our shrinking wilderness areas for the use of future generations.

Much of the discussion of this bill centers on its restriction upon the military agencies' appetite for the public domain. I am wholeheartedly in favor of establishing the limits set forth in this bill and requiring congressional approval beyond that limit.

There is another aspect of the bill which appeals to all real sportsmen. It should not be objectionable to anybody else because it is reasonable and just. I refer to the provision which requires that sportsmen on military reservations be required to recognize and abide by the game laws and regulations of the State or Territory in which the reservation is located. I have heard some high-powered stories about military men using helicopters to spot game or employing bazookas in the hunt. I cannot verify these. But I do know of some cases which happened on Camp McCoy, an Army reservation in Wisconsin bordering my home county, and these are just as disgusting in the eyes of honest outdoorsmen.

I had a firsthand opportunity to become acquainted with offenses of this nature while serving as district attorney in Jackson County where I was well acquainted with the area game wardens. Upon checking the observations of wardens around Camp McCoy I learned that hunters can and do use any method of hunting that suits their whim of the moment. Deer are shot by shining, shot from cars and pickup trucks, and hunters carry loaded guns in vehicles in utter disregard for State laws. Actions such as these are particularly irksome when they happen in islands of disregard surrounded by a State which prides itself on an alert, conscientious, honest force of conservation wardens dedicated to their duty. Such a double standard must be especially difficult to understand for impressionable young people just beginning to know and love the outdoors.

I have reports that the doe and fawn kill was heavy during forked horn buck seasons. In 1955, for instance, 6 arrests were made when wardens detected illegal deer leaving the Camp McCoy area. Since the reservation has some 61,000 acres and the enforcement force is small it is understandable that this figure probably represents only a small part of the illegal kill that year.

Military officials gave us some excellent assistance in checking on the situation at Camp McCoy but all the conscientious people in the world will not be able to bring order out of this mess without legislation such as H. R. 5538. Members of the House saw fit to pass a very similar bill during the last session only to watch it die in a logjam of other legislation on the other side of the Capitol. H. R. 5538 is worthy of as much or even more support and I recommend it for your approval.

Mr. SAYLOR. Mr. Chairman, I yield 3 minutes to the gentleman from Wyoming [Mr. THOMSON].

Mr. THOMSON of Wyoming. Mr. Chairman, the working out of this bill was no mean task. It took a great deal of effort on the part of the chairman and other members of the committee, as well as the committee staff, as has been mentioned. I commend the chairman and everybody involved who have devoted themselves to this end.

As has also been mentioned, I introduced a similar bill and I certainly support this proposed legislation. We in Wyoming have enjoyed a very pleasant relationship with the military since territorial days. That is certainly true at the present time with the very fine military commander that we have at the Warren Air Force Base at Cheyenne, Wyo. I am sure that relationship will continue, and for my part I intend to do every thing I can to see that it does.

All of us, I know, join in wanting to see the military services have all of the facilities they need, including land, for the adequate defense of this country. But the members of this committee can appreciate the importance of this bill to those of us in the western areas, when you stop to realize that in the State of Wyoming over 50 percent of the land is public land within the definition of the bill. In some other States it is a much larger percentage. So far we have had no large taking of land, such as has been experienced in some other States. But the threat is there, and for that reason this legislation is particularly important to us. One of the fundamentals of a free country is the private ownership and use of lands. I think that our private ownership of land has had a lot to do with the strength of this country.

I am sure all can see that the danger is very great that the Federal Government, which is the largest landowner in the world at the present time, except for Russia, may stretch out its land holdings. The authority to determine extensions of over 5,000 acres should be vested in Congress. For that reason I think this bill is particularly important. It is particularly important to see that lands which are no longer needed for military purposes are returned to their most beneficial use, for recreation, forest purposes, grazing, mineral development, and other uses.

I sincerely hope that the committee will pass favorably upon this legislation. In addition to the reasons I have already mentioned, I think enactment of this legislation will fix the area of responsibility and authority as to control of fish and game activities so as to solve present

problems in some areas and to prevent future problems and misunderstandings from developing. So far we have worked those things out well in our State, where we have very difficult problems due to the big game and fishing found in Wyoming. In the session of the legislature which adjourned last February special legislation for sale of resident licenses to military personnel assigned to duty within the State was enacted. Enactment of the legislation we are now considering will insure a continuing good relationship because it provides certainty and restricts the possible zone of disagreement.

I hope that this committee will approve the bill.

Mr. SAYLOR. Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. DIXON].

Mr. DIXON. Mr. Chairman, I am pleased to associate myself with those who have supported this bill. I also desire to compliment the committee on its good work.

The following are a few of the reasons why I am in favor of the bill. In the State of Utah there are 57,700,000 acres of land. The Federal Government owns 37,918,000 acres of this land, or 72 percent—3 acres out of every 4 in our State. Two million of these acres are military preserves already. That is why we want the consent of Congress before any areas exceeding 5,000 acres can be taken again into military preserves.

It is also important that all fishing, trapping, and hunting be in accordance with the fish and game laws of the State in which the reservation is located. The hearings conducted by the committee abound in examples where military commanders in some of the installations have exercised hunting privileges as though they were on baronial estates. I think these regulations should apply to Congressmen as well as military people. The committee reports in too many instances that such areas have taken on all the aspects of exclusive military hunting preserves. While there have been no such objectionable activities reported in my State, we are particularly interested in this present situation being rectified, as the Army, Navy, Air Force, and Atomic Energy Commission control 2 million acres of our land.

I do not think we should give our military people the idea that we are severe on them or unappreciative of their efforts. I think they might have some justification from foregoing statements for feeling that way. We appreciate these wonderful men. They are loyal. Many of them are working at half what they could get in industry. We want to do everything we can to make it pleasant for them on these military preserves. However, I am sure they will admit that abuses by a few of their number have reached an extent to which the public must call a halt.

The bill does go this far in their favor. It gives them authority to buy fishing and hunting licenses at resident fees, so that they do not have to pay high nonresident fees. I think there is justice in that provision.

The CHAIRMAN. The time of the gentleman from Utah has expired. All time has expired.

The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That, notwithstanding any other provisions of law, except in time of war or national emergency hereafter declared by the President or the Congress, on and after the date of enactment of this act the provisions hereof shall apply to the withdrawal and reservation for, restriction of, and utilization by, the Department of Defense for defense purposes of the public lands of the United States, including public lands in the Territories of Alaska and Hawaii: *Provided, That—*

(1) for the purposes of this act, the term "public lands" shall be deemed to include, without limiting the meaning thereof, Federal lands and waters of the outer Continental Shelf, as defined in section 2 of the Outer Continental Shelf Lands Act (67 Stat. 462), and Federal lands and waters off the coast of the Territories of Alaska and Hawaii;

(2) nothing in this act shall be deemed to be applicable to the withdrawal or reservation of public lands specifically as naval petroleum, naval oil shale, or naval coal reserves;

(3) nothing in this act shall be deemed to be applicable to the warning areas in the Federal lands and waters of the Outer Continental Shelf and Federal lands and waters off the coast of the Territory of Alaska set aside by the military departments prior to the enactment of the Outer Continental Shelf Lands Act (67 Stat. 462); and

(4) nothing in this act shall be deemed to be applicable to those reservations or withdrawals which expired due to the ending of the unlimited national emergency and which subsequent to such expiration have been and are now used by the military departments with the concurrence of the Department of the Interior.

SEC. 2. No public land, water, or land and water area shall, except by act of Congress, hereafter be (1) withdrawn from settlement, location, sale, or entry for the use of the Department of Defense for defense purposes; (2) reserved for such use; or (3) restricted from operation of the mineral-leasing provisions of the Outer Continental Shelf Lands Act (67 Stat. 462), if such withdrawal, reservation, or restriction would result in the withdrawal, reservation, or restriction of more than 5,000 acres in aggregate for any one defense project or facility of the Department of Defense since the date of enactment of this act or since the last previous act of Congress which withdrew, reserved, or restricted public land, water, or land and water area for that project or facility, whichever is later.

SEC. 3. Any application hereafter filed for a withdrawal, reservation, or restriction, the approval of which will, under section 2 of this act, require an act of Congress, shall specify—

(1) the name of the requesting agency and intended using agency;

(2) location of the area involved, to include a detailed description of the exterior boundaries and excepted areas, if any, within such proposed withdrawal, reservation, or restriction;

(3) gross land and water acreage within the exterior boundaries of the requested withdrawal, reservation, or restriction, and net public land, water, or public land and water acreage covered by the application;

(4) the purpose or purposes for which the area is proposed to be withdrawn, reserved, or restricted, or if the purpose or purposes are classified for national security reasons, a statement to that effect;

(5) whether the proposed use will result in contamination of any or all of the re-

quested withdrawal, reservation, or restriction area, and if so, whether such contamination will be permanent or temporary;

(6) the period during which the proposed withdrawal, reservation, or restriction will continue in effect;

(7) whether, and if so to what extent, the proposed use will affect continuing full operation of the public land laws and Federal regulations relating to conservation, utilization, and development of mineral resources, timber and other material resources, grazing resources, fish and wildlife resources, water resources, and scenic, wilderness, and recreation and other values; and

(8) if effecting the purpose for which the area is proposed to be withdrawn, reserved, or restricted, will involve the use of water in any State, whether, subject to existing rights under law, the intended using agency has acquired, or proposes to acquire, rights to the use thereof in conformity with State laws and procedures relating to the control, appropriation, use, and distribution of water.

SEC. 4. Chapter 159 of title 10, United States Code, is amended as follows:

(1) By adding the following new section at the end:

"SEC. 2671. Military reservations and facilities: hunting, fishing, and trapping

"(a) The Secretary of Defense shall, with respect to each military installation or facility under the jurisdiction of any military department in a State or Territory—

"(1) require that all hunting, fishing, and trapping at that installation or facility be in accordance with the fish and game laws of the State or Territory in which it is located;

"(2) require that an appropriate license for hunting, fishing, or trapping on that installation or facility be obtained, except that with respect to members of the Armed Forces, such a license may be required only if the State or Territory authorizes the issuance of a license to a member on active duty for a period of more than 30 days at an installation or facility within that State or Territory, without regard to residence requirements, and upon terms otherwise not less favorable than the terms upon which such a license is issued to residents of that State or Territory; and

"(3) develop, subject to safety requirements and military security, and in cooperation with the governor (or his designee) of the State or Territory in which the installation or facility is located, procedures under which designated fish and game or conservation officials of that State or Territory may, at such time and under such conditions as may be agreed upon, have full access to that installation or facility to effect measures for the management, conservation, and harvesting of fish and game resources.

"(b) The Secretary of Defense shall prescribe regulations to carry out this section.

"(c) Whoever is guilty of an act or omission which violates a requirement prescribed under subsection (a) (1) or (2), which act or omission would be punishable if committed or omitted within the jurisdiction of the State or Territory in which the installation or facility is located, by the laws thereof in effect at the time of that act or omission, is guilty of a like offense and is subject to a like punishment.

"(d) This section does not modify any rights granted by treaty or otherwise to any Indian tribe or to the members thereof."

(2) By adding the following new item at the end of the analysis:

"2671. Military reservations and facilities: hunting, fishing, and trapping."

SEC. 5. The Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, is hereby further amended by revising section 3 (d) to read as follows:

"(d) The term 'property' means any interest in property except (1) the public do-

main; lands reserved or dedicated for national forest or national park purposes; minerals in lands or portions of lands withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public-land mining and mineral leasing laws; and lands withdrawn or reserved from the public domain except lands or portions of lands so withdrawn or reserved which the Secretary of the Interior, with the concurrence of the Administrator, determines are not suitable for return to the public domain for disposition under the general public-land laws because such lands are substantially changed in character by improvements or otherwise; (2) naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines; and (3) records of the Federal Government."

SEC. 6. All withdrawals or reservations of public lands for the use of any agency of the Department of Defense, except lands withdrawn or reserved specifically as naval petroleum, naval oil shale, or naval coal reserves, heretofore or hereafter made by the United States, shall be deemed to be subject to the condition that all minerals, including oil and gas, in the lands so withdrawn or reserved are under the jurisdiction of the Secretary of the Interior and there shall be no disposition of, or exploration for, any minerals in such lands except under the applicable public-land mining and mineral leasing laws: *Provided, That* no disposition of, or exploration for, any minerals in such lands shall be made where the Secretaries of Defense and Interior determine that such disposition or exploration is inconsistent with the military use of the lands so withdrawn or reserved.

Mr. ENGLE (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROOKS of Louisiana. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to clear up one point that is not exactly clear in my mind, and that is the interpretation of what is really meant by the terms "public lands." The bill refers to withdrawals or reservations of "public lands." As my distinguished friend, the chairman of the committee, has said, on page 5 of the report we are referred to a definition taken from the Department of the Interior, Bureau of Land Management, Glossary of Public Land Terms, of 1949, as the definition of "public lands," but then following that there are given additional definitions of public lands. This is confusing.

In my district of Louisiana the Air Force has a military base called the Barksdale Military Base. It was created by the gift of the people of the city of Shreveport to the United States, a gift of 23,000 acres of land which the city itself acquired and then gave to the United States for military purposes. There was a State constitutional amendment that permitted the city to give this land to the United States for military purposes only. The United States accepted it for military purposes. Since then a good deal of mineral development has occurred in this area.

Some of that land, 2,000 acres, is now being drilled by the Department of the Interior in spite of the fact that the land was given to the United States for military purposes only and paid for by the city of Shreveport. What I want to ask the distinguished chairman of the committee is this: Is there anything in this bill which would give the Department of the Interior any authority to drill that particular tract of land? In section 6, there is something referring to lands "heretofore or hereafter" made reservations or withdrawals of land from the United States public lands. I would be very happy if the gentleman would clear that up for me.

Mr. ENGLE. The answer to the gentleman's question is "No." This bill would not add to any authority that the Department of the Interior now has. Our committee has been a recognized committee of the House for 108 years. It has jurisdiction over the public lands of the United States. Public lands are the vacant, unappropriated, unreserved, federally owned real property. The military purposes which the gentleman refers to does not render the land vacant. It is not unappropriated. It is a reserved piece of Federal property.

Mr. BROOKS of Louisiana. A portion of it may be considered vacant.

Mr. ENGLE. It is not vacant in the legal sense. It is being actively taken over and operated.

Mr. BROOKS of Louisiana. May I ask the gentleman this question: There is nothing in the terms of this bill, is there, to permit any further exploration for oil, gas, or minerals in that kind of case than now exists on the statute books?

Mr. ENGLE. That is correct.

Mr. BROOKS of Louisiana. I thank the gentleman very much for his help.

Mr. KILDAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KILDAY: On page 8, strike out the proviso beginning on line 14 and insert in lieu thereof the following language: "Provided, That no disposition of, or exploration for, any minerals in such lands shall be made where the Secretary of Defense, after consultation with the Secretary of the Interior, determines that such disposition or exploration is inconsistent with the military use of the lands so withdrawn or reserved."

Mr. KILDAY. Mr. Chairman, this is the amendment I spoke of in general debate.

Mr. ENGLE. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. Mr. Chairman, I yield to the gentleman from California.

Mr. ENGLE. Mr. Chairman, the present language of the bill provides that the Secretaries of Defense and Interior shall make a determination. The trouble, of course, with that language is that we have a double-headed proposition. If one of them says "Yes" and the other says "No," they are at an impasse and presumably the case would have to move on up the line somewhere. Some members of our committee felt that the Secretary of Defense should be tied down a little harder. For my own part, it seems to me the question of whether or not

these other activities, in this instance the drilling or mining for minerals and oil, can go forward is a military decision and it has to be that way. If the area is set aside for military purposes, it is simply necessary to exclude all uses that are wholly inconsistent with that purpose. Sometimes it is possible, as I explained earlier, to do both. But, in any case it seems to me it has to be a military decision. For that reason, I do not intend to oppose, and I am willing to accept the amendment offered by the gentleman from Texas.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. SAYLOR. I am perfectly willing to accept the amendment offered by the gentleman. I think it is in the interest of good legislation. I supported the amendment in the committee.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. GROSS. Is this tied down strictly to mineral development and grazing or one or the other or both?

Mr. KILDAY. This has to do with mineral development. It only changes the provision of the bill as it was brought in by the committee from the joint approval by two Secretaries to the approval by one Secretary, after consultation with the other.

Mr. GROSS. Now the determination will be vested in the Secretary of Defense?

Mr. KILDAY. After consultation with the Secretary of the Interior. That is correct.

Mr. BROOKS of Louisiana. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to support the amendment for the reasons I have just mentioned, because this amendment will help in cases of the type I mentioned where land is given to the United States for military purposes and subsequently that land develops into land valuable for oil and gas purposes. The Secretary of Defense would be the only official who in that case would have authority to pass judgment upon the need of property for military purposes or to make a certification.

I am very much in favor of the amendment. I think it helps very much in the instance I have in mind, and I hope it is adopted.

Mr. GROSS. Mr. Chairman, I rise in opposition to the pro forma amendment, and do so only to ask the chairman of the committee a question: What difficulties have you had in the past under the language contained in the present bill?

Mr. ENGLE. In just what way?

Mr. GROSS. Where there is dual responsibility vested in the Secretary of Defense and the Secretary of the Interior.

Mr. ENGLE. Yes; we have had difficulty. The Navy contends that it has authority to drill for oil and gas on any area set aside for naval purposes, whether or not that area has been set aside as a naval petroleum reserve.

Mr. GROSS. But the question I am asking is: What was the experience in

the past when a controversy was presented to the Secretaries of Defense and Interior for a determination? Did they have difficulty?

Mr. ENGLE. The gentleman is confused, because it does not come to the Secretary of the Interior. What happened was that the Navy had a naval reserve, not a petroleum reserve, just an ordinary naval reserve such as it has on San Nicolas Island off the coast of California. If the gentleman will look at the report he will find there an extended discussion of that matter relating to San Nicolas.

We want to make it plain that in these military reservations they do not give the right to control oil and gas. The area is set aside for the purpose of doing some bombing or gunnery. That in such cases oil and gas development should be carried forward in the instance of the Continental Shelf under the Outer Continental Shelf Act, and in the interior of the United States under the regular mining and mineral leasing laws.

On pages 50 to 55 of the committee report we wanted to dispel the question about that proposition, and I call the gentleman's attention to the fact that we very carefully said that this bill has no effect with reference to established naval petroleum reserves. That is in the very first sections of the bill. Wherever they have been set up, and they are set up under Presidential order, then the Navy goes right on, does its drilling or whatever other exploration they have in mind.

But, in general, we do not want the military people out in the West, for instance, where they have a piece of land, say, 25 miles wide and 150 miles long, to be able to do mining and oil development on it.

Section 6 applies to mining as well as to the development for oil. When it occurs we claim it should occur under the established laws passed by Congress for that purpose on public-land areas.

So the purpose of the section is to decide clearly that the Navy is wrong in the interpretation they personally put on the law. The Navy itself, I think, had some doubt about it, but the intent and purpose of this bill should be very clear and plain.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. GAVIN. Is the gentleman certain it will stop the Navy? Last year on that particular project to which the gentleman referred, San Nicolas Island, a request came for more appropriations to carry on explorations for drilling on San Nicolas Island. The appropriation was denied. Does the gentleman know whether or not the Navy is again seeking an appropriation in this year's budget to carry on such explorations on San Nicolas Island?

Mr. ENGLE. I would have to look that up. The gentleman asks whether we have got the Navy stopped. We have locked the front door, the back door we have locked the windows, and then they came down the chimney, so now we have got the chimney blocked, I think.

Mr. GAVIN. I think the gentleman is going to have a pretty tough time on that. They seemed determined to carry on this project out there. They are also interested in the conversion of shale into oil in Colorado. They are trying desperately to get into that situation.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GAVIN. Mr. Chairman, I move to strike out the requisite number of words.

Here is what I am interested in: Does the gentleman think this legislation is going to stop the Department of Defense carrying on any of these exploration projects anywhere they desire for minerals?

Mr. ENGLE. Yes; they think it does. We think it takes care of the situation. I may say to the gentleman that the argument over the San Nicolas Island brought the position of the Navy right up against the General Counsel of the Department of Defense. In other words, their legal claim with reference to what they can do moved up the line finally to the Department of Defense. Their people appeared before our committee and testified. They said they did not want to express an opinion at this time but that this language would absolutely decide the issue. I can assure the gentleman they are very glad to have that issue decided.

Mr. GAVIN. I want to be certain this language will decide the issue because you will recall several years ago up at Barrows Point we expended about \$45 million for the exploration of oil up at that particular reserve in Alaska.

Mr. ENGLE. Here is what the General Counsel for the Department said on page 51 of the report:

It is our feeling that, with reference to the bill now pending before the committee, section 6 of the bill would preclude, by statutory language, exploration by the Navy for petroleum in areas reserved for naval purposes as distinguished from areas set aside for naval petroleum reserves.

Then he goes on to say:

The Defense Department's position on the bill does not take issue with what this section would do with respect to exploration, namely, preclude it.

In other words, they are not opposed to what we have here in section 6. They do say it effectively and completely answers the question.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. GAVIN. I yield to the gentleman from Louisiana.

Mr. BROOKS of Louisiana. I want to say to the gentleman that I personally have been interested in the amendment because I think the amendment does have the effect of strengthening the authority of the Secretary of Defense over lands already in use actively and being developed for military purposes. Where you have a base like I have in mind, which was given to the United States for military purposes, I think the Defense Department should have control of its use for military purposes and that the Interior Department should not be permitted contrary to the views of the Secretary of Defense to go in and seek to develop that particular land given for military purposes to the United States.

I thank the gentleman very much for yielding me this time.

Mr. GAVIN. I want to compliment the committee. They have a very good bill here. It is legislation that has long been needed. I am pleased to have the opportunity to support it and I trust it will pass overwhelmingly.

[Mr. COLE addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mr. DEVEREUX. Mr. Chairman, I move to strike out the last word simply for the purpose of asking the chairman of the committee a question. Unfortunately, I have not been able to follow this presentation too closely. Will this legislation in any way affect the experimental work that is now going on at Rifle, Colo., with respect to the recovery of shale oil?

Mr. ENGLE. No, it will not. In fact, the oil shale reserves as well as the Navy petroleum reserves are specifically exempt from the operation of this law.

Mr. DEVEREUX. I was not certain in my own mind whether this particular project was within the oil shale or petroleum reserve.

Mr. ENGLE. Yes, it is, and if the gentleman will look on page 2, line 10, he will find the specific subsection which exempts oil shale operation.

Mr. DEVEREUX. Well, if it is in the reserves, it would be covered.

Mr. ENGLE. That is right.

The CHAIRMAN. Without objection, the amendment is agreed to.

There was no objection.

Mr. ENGLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGLE: On page 2, line 22, strike out the word "those" and insert in lieu thereof the words "the following" and

On page 3, line 3, strike out the period, insert a colon, and add the following:

"Luke-Williams Air Force Range, Ariz.; Camp Irwin, Calif.; Edwards Air Force Base, Calif.; Nellis Rifle and Pistol Range Annex, Nev.; and Boardman Precision Bombing Range, Oreg."

Mr. ENGLE. Mr. Chairman, the purpose of this amendment is to make plain in the bill what the committee intended to do. The language is general, and we have added the names of the particular Air Force bases, Army camps, such as Camp Irwin, and so forth, to make it plain exactly what we intended to exempt from the operation of this act.

There are certain of these installations such, for instance, as Luke-Williams, that have been in the Air Force for years, and yet when we look around, they have not a vestige of authorization; they have no land withdrawal; they are just sitting there without any authority under the law to be there. Their importance to the Nation and to the defense effort make it obvious that it would be perfectly ridiculous to require them to come back in on separate legislation to get authorization because all of them, I think, exceed the 5,000 acres.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. ENGLE. I yield to the gentleman from Arizona.

Mr. RHODES of Arizona. Is it the position of the gentleman that the reservations which have been enumerated in the gentleman's amendment actually are legally within the public lands and are not withdrawn at this particular time and that in effect the military are trespassers on these particular lands?

Mr. ENGLE. What happened is they got a temporary withdrawal under the act of 1910. The gentleman will recall that the Congress in trying to patch up this matter of the implied delegation of authority which I referred to in my opening remarks passed an act in 1910 that gave the President the right to make temporary withdrawals. The solicitor came along in his opinion and said it was merely a confirmation of the broader powers that the President already had and therefore, under the solicitor's opinion, nullified the act. But under that act they did make some temporary withdrawals during national emergencies. Then the national emergency expired and the withdrawals lapsed. But these fellows are still sitting on the land, which technically reverted to the public land area. The purpose of this amendment is to obviate the necessity of coming back with special legislation, which this bill would require, because they comprise over 5,000 acres.

Mr. RHODES of Arizona. Mr. Chairman, if the gentleman would yield further, does the gentleman feel that by taking these particular reservations out from under all the provisions of this bill, they are left in a status of limbo insofar as the effect of the provisions of the act as to hunting and fishing and other provisions are concerned, not necessarily going with the ownership of the land? In other words, if we adopt the amendment of the gentleman saying that nothing in this act applies to these lands, then can the State of Arizona, for instance, have any legal brief for regulating the harvesting and conserving of fish and wildlife on say the Luke-Williams Air Force Base?

Mr. ENGLE. This does not affect the application of the balance of the bill, because the balance is applicable to military bases on all withdrawn public lands. So all we are doing here is making it unnecessary for your air bases out in Arizona—and they are important, Luke and Williams are excellent examples—to come in for special legislation. In other respects, this legislation would be applicable to them, because it is applicable to all bases on public land areas.

Mr. RHODES of Arizona. Mr. Chairman, if the gentleman would yield further, certainly it is my purpose and my desire to protect the Air Force in its use of the Luke-Williams Gunnery Ranges, but I do want to make it absolutely crystal clear that taking those bases and those gunnery ranges from under the provisions of the act for this purpose does not take them out from under the provisions of the act for any other purpose.

Mr. ENGLE. That is certainly our intention.

Mr. RHODES of Arizona. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. ENGLE].

The amendment was agreed to.

Mr. ENGLE. Mr. Chairman, I offer a further clarifying amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGLE, of California: On page 2, line 15, strike out the word "in" and insert the word "over" and on page 2, line 17 and 18, strike the words "set aside by", and insert in lieu thereof the words "reserved for use of."

The CHAIRMAN. The question is on the clarifying amendment offered by the gentleman from California [Mr. ENGLE].

The amendment was agreed to.

Mr. SAYLOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR, of Pennsylvania: On page 6, redesignate subsection (b) on line 7, subsection (c) on line 19, and on page 7, subsection (d) on line 1, as subsections "(c)," "(d)," and "(e)," respectively, and insert the following new subsection (b):

"(b) No hunting, fishing, or trapping by any individual shall be permitted by the commanding officer of any military installation or facility in a State or Territory and under the jurisdiction of the Department of Defense unless such individual is—

"(1) a member of the Armed Forces who has, for a period of more than 30 days, been assigned to the installation or facility at which such individual proposes to hunt, fish, or trap, and who has, in a State or Territory where the operation of this section requires that a State or Territorial license be obtained, secured such a license;

"(2) a dependent of a member of the Armed Forces qualifying under subparagraph (1) of this subsection, if such dependent has, in those States or Territories where the operation of this section requires that a State or Territorial license be obtained, secured such a license; or

"(3) any other individual, including other members of the Armed Forces and their dependents, qualifying and licensed to hunt, fish, or trap under the fish and game laws of the State or Territory in which such installation or facility is located only when the State or Territorial agency having licensing authority therein has entered into a cooperative agreement with the military department having jurisdiction at the installation at which it is proposed to hunt, fish, or trap, which cooperative agreement shall set out the terms and conditions under which any and all individuals not qualifying under subparagraphs (1) and (2) of this subsection shall be permitted to engage in hunting, fishing, or trapping."

Mr. SAYLOR (during the reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of this amendment be disposed of.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Chairman, the purpose of this amendment is to clarify just what the committee intends with regard to hunting and fishing on military reservations.

I will give you an example that was brought to the attention of the committee by the gentleman from Montana in regard to an instance which occurred in his State. Several members of one of the branches of the armed services got themselves a temporary order and flew

to Montana. They went there only to hunt, even though their orders assigned them to a base. They were arrested for failure to have a license, and the military tried to defend them because they had orders assigning them to the base.

All this amendment does is to say that unless you are actually assigned, bona fide, to a base for at least 30 days you cannot go onto a military reservation and hunt and fish.

The second section provides that Members of Congress or others that are in the privileged class that has been referred to as VIP's must comply in all respects with the laws of a State when they hunt on military reservations.

This is just explaining in a little more detail what is in section (a).

Mr. ENGLE. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. ENGLE. Does not the amendment require the inclusion of a cooperative agreement between the State or Territorial agency having the licensing authority and the particular base?

Mr. SAYLOR. Only with regard to the so-called VIP's who have been going onto these military reservations.

Mr. ENGLE. I have the language of the gentleman's amendment before me. It requires such a cooperative agreement before any other individual can qualify except members of the Armed Services or their dependents.

Mr. SAYLOR. That is correct. The only ones we have found are those examples that have been pointed out, such as the regulation which I read stating that anybody the commanding general decided had expressed an interest in the affairs of the Department of Defense was specially privileged and allowed to go onto a reservation and hunt.

Mr. WESTLAND. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Washington.

Mr. WESTLAND. I have tried to follow the amendment the gentleman from Pennsylvania has offered, and I know he has the best intentions. I am sure the gentleman will recall that in committee we discussed this matter at considerable length, trying to come out with a just solution to this problem. I have tried to follow exactly what the gentleman has said in describing what this amendment would do, but I have this question: Would the gentleman's amendment prevent a GI, let us say, who lives in Maryland from hunting on a Military Establishment in Virginia if he had a license to hunt in the State of Virginia. It sounded as though it would.

Mr. SAYLOR. No; it will not prevent him from hunting if he has a license from the State of Virginia and has orders there.

Mr. WESTLAND. That is something else now. The gentleman is qualifying it again. In other words, this GI who lives in Maryland and may be assigned to a base in Maryland could not hunt on a military reservation in Virginia unless he was also assigned to that base, even though he had a State license to hunt any place in the State of Virginia.

Mr. SAYLOR. No; because if he has a license to hunt in the State of Virginia then he has a nonresident license.

The reason this amendment is offered is that practically every State in the Union, I think every State in the Union, has taken precautions to see to it that the members of the armed services that are actually assigned to bases in a State are given the same rights and privileges as citizens of that State, and do not have to get an out-of-State license. Those are the people that would be protected by this amendment. If a man is assigned to a base in Maryland and goes down to Virginia and has a State license, he can hunt there.

Mr. RHODES of Arizona. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, if I may have the attention of the gentleman from Pennsylvania, as I understand this amendment, it might have this effect. Suppose an enlisted man was stationed at the Pentagon. As I understand the gentleman's amendment, if the enlisted man wanted to hunt, he would not be able to hunt anywhere in the State of Virginia except at the Pentagon; is that not more or less correct? And there are not many ducks flying over the Pentagon.

Mr. SAYLOR. If he has an out-of-State license, he can. He can hunt anywhere in the State of Virginia.

Mr. RHODES of Arizona. That is the whole point. In other words, anybody who might be stationed here in Washington, D. C., in order to hunt would have to have an out-of-State license wherever he would go.

Mr. SAYLOR. That is correct.

Mr. RHODES of Arizona. So actually does not the gentleman feel this unduly discriminates against military personnel stationed here? Or is it not punishment enough that he is stationed at the Pentagon and has to be here anyway.

Mr. SAYLOR. No, I would not go along with that. If the gentleman would talk to some of the military, he would be surprised at the number of members of the Armed Services who try to get assigned here to the Pentagon. I do not know why, but they do.

Mr. RHODES of Arizona. But, not so they can give up their hunting privileges.

Mr. SAYLOR. They do not come here for hunting with guns.

Mr. KNOX. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield.

Mr. KNOX. I should like to ask the gentleman relative to an area that has been designated as a closed area as far as hunting and fishing are concerned as to whether or not the personnel that has been assigned to the base have fishing and hunting privileges within the closed area but the general public would be denied the right to hunt and fish in that particular area.

Mr. RHODES of Arizona. I yield to the gentleman from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. If it is a closed area in a military reservation, then the matter is entirely within the jurisdiction of the commanding officer as to who may hunt.

Mr. KNOX. If it is a closed area, prohibited to the general public from entering the area for fishing and hunting, then it would be permissible for the commanding officer to permit the personnel on the base or the civilian employees on the base to fish and hunt in the area.

Mr. SAYLOR. Only if they comply with the State game laws as far as licensing, bag limit, and season are concerned.

Mr. KNOX. Does the gentleman think there is any justification for permitting the personnel on the base or other civilian employees on the base to have a special concession awarded to them because they are on the base, which is denied to the general public of the State whether they have a license or not?

Mr. SAYLOR. I might say we ran into many instances in our committee where that condition does exist. We are only trying to correct it to see to it that the people on the base comply with the laws of the State. Some of the complaints that our committee received came from the gentleman's State. They said that the members of the game commission out there were not even allowed to protest or arrest members of the military because they had violated the game laws of the State of Michigan. This amendment will see to it that those who do hunt on military reservations will comply with the State game laws.

Mr. KNOX. My opposition to permitting the personnel on the base or the civilian employees on the base to hunt and fish on that property, if it is a closed area, is based on the fact that in many cases some of the very finest of our streams flow through the particular base so that this becomes somewhat of a reservation for only those who live within the area, and the general public are prohibited from coming into the area even though they have a license.

Mr. SAYLOR. That is correct. But, up until now, unless this amendment is adopted, they will continue to do that and they will not comply with the laws of the State. There is not anybody until today, until this committee took hold of it, who tried to prevent that.

Mr. KNOX. Does the gentleman not think that a closed area should be a closed area—period.

Mr. SAYLOR. No.

Mr. KNOX. You do not?

Mr. SAYLOR. No, I do not. In other words, because military reservations from their very nature are such that it is up to the commanding officer who is in charge of it to determine who shall hunt and fish.

Mr. RHODES of Arizona. If I may have the gentleman's attention. On page 5, section 4, the first subparagraph says that:

The Secretary of Defense shall regulate all hunting and fishing and trapping at that installation or facility in accordance with the fish and game laws of the State or Territory in which it is located.

I wonder if that does not cover the situation which the gentleman has in mind? In other words, in order to hunt and fish there, does not any individual, whether he is a member of the military personnel or not, have to comply with the law of the State?

Mr. SAYLOR. The answer under this section is "Yes," but I do not think this section goes far enough. My amendment spells it out a little more in detail.

Mr. ENGLE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I applaud the purpose of my friend from Pennsylvania, Mr. SAYLOR, who is a great conservationist, but we should not get carried away and try to do too much in this legislation, and this amendment undertakes to do that in this particular: The amendment states that there shall be three classes of people who can hunt—members of the armed services who have been on the base for more than 30 days; second, a dependent of a qualified member of the armed services. That would be a son, daughter, or member of the family; and then third, any other individual qualified and licensed to hunt, provided that a cooperative agreement with the military department having jurisdiction at the installation has been entered into by the State authorities having the authority to handle hunting and fishing.

There are at least 5,000 installations in the country. What this amendment will actually do is to cut people out, because they will never get all the agreements executed, and if they do execute the agreements, in all probability they will make some provision, I assume, for visiting brass from Washington and other so-called notables; and therefore they will still be in the picture.

The thing about this amendment that alarms me is the requirement for the cooperative agreement, and until such agreement is executed nobody could hunt down there in Virginia, or over here in Maryland, or any place else; and the military will then do all the hunting and fishing. Rather than open up the area to the public generally, they will be very slow and gumfooted about getting these agreements enacted and executed.

This amendment, notwithstanding the good purpose of its author, goes precisely in the opposite direction from which we want to go. It may be that we can work out language some time somewhere that would limit these VIP's. We considered this amendment in committee. This amendment was offered in committee, and it was turned down for the very reasons that I am giving you now, and that is that it would in all probability limit the fishing and hunting on these military installations rather than facilitate getting equal treatment for civilians with the military personnel on the bases. For that reason I am against this amendment. I think it goes in the wrong direction. I think the language has not been worked out sufficiently carefully. Some time, perhaps, we can originate some kind of scheme and maybe we can get the thing ironed out equitably. But this amendment will not do it.

I hope the amendment will be defeated.

Mr. DEVEREUX. Mr. Chairman, will the gentleman yield for a question?

Mr. ENGLE. I yield.

Mr. DEVEREUX. On page 6, line 2, as the bill is now written there is a provision requiring that a person be stationed at one of these installations or facilities for 30 days or more before he

would have the privilege of hunting or fishing. In my judgment that is not necessarily the proposition that we are trying to take care of, nor these VIP's or the VIPI's—very important people indeed. For instance, a man will be transferred to a new installation. Under the language of this bill he would not be able to hunt for 30 days. Is that right?

Mr. ENGLE. As I understand it, yes.

Mr. DEVEREUX. It appears to me that we should substitute some other language such as "extended active duty," "permanent change of station," or something like that. That would qualify him for hunting privileges. Would not the gentleman agree that is the general intent?

Mr. ENGLE. That is what we intended to do. We could not think of any way to work it out other than to put the 30-day requirement in there.

Mr. DEVEREUX. Would the gentleman accept an amendment that would clarify it by saying "for extended duty"?

Mr. ENGLE. If it is extended duty would that not be 30 days?

Mr. DEVEREUX. It might be. My point is this: An officer could be transferred to a new installation and he would be restricted from hunting or fishing until he had been at the installation 30 days.

Mr. ENGLE. No, provided his orders were of a permanent nature, as I understand it.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent (at the request of Mr. ENGLE) he was allowed to proceed for 5 additional minutes.)

Mr. DEVEREUX. If his orders were of a permanent nature he would be permitted to hunt and fish the day after his assignment to this new installation?

Mr. ENGLE. I would have to give that a little study. It is my impression that if his orders are of a nature that puts him on the base for more than 30 days he is entitled to apply immediately for a license although the 30 days have not transpired. The purpose of this is to take care of people who are there permanently and to stop the business of people moving in to hunt for a weekend, then moving out.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. ENGLE. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. As I understand it, the State laws of practically all the States require for all individuals at least 30 days of residence before they can obtain a license within that State. So this is merely putting the Armed Services personnel on the same footing as all other people in the State in obtaining a license.

Mr. DEVEREUX. I disagree with that provision, because an individual in the Armed Services is not the master of his own destiny. He has to go here, there, or anywhere else, wherever he is ordered, whereas the ordinary residents of a State are in an entirely different category.

Mr. EDMONDSON. All I am pointing out is that this is not penalizing the individual under the law any more than the citizens of all the States are pres-

ently restricted to a law in obtaining a license.

Mr. ENGLE. Let me say to the gentleman that he has failed to read the section—I am referring the gentleman from Oklahoma—on page 6, line 3, as follows: "Without regard to residence requirements." In other words, what we are trying to do is to take care of the armed services personnel permanently assigned to an area and we regard anything over 30 days for the purposes of this act as sufficiently permanent to warrant their right to hunt and fish.

Mr. DEVEREUX. If he is ordered there for 30 days or more?

Mr. ENGLE. That is correct.

Mr. DEVEREUX. Not necessarily that he has to be in residence for that time?

Mr. ENGLE. That is correct. That was our intention. Let me say to the gentleman that if on closer examination we have not written in language precisely what we intended, we will try to do it over in the other body.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. ENGLE. I yield to the gentleman from California.

Mr. SISK. I just want to clarify a portion of the discussion with reference to this language. It is to eliminate the so-called weekend boys, these boys who go on temporary duty for 3 days over the weekend to do some hunting and fishing. If they have orders which call for more or less permanent service there, they would immediately qualify for a hunting license. The language at the top of page 6 in the report straightens that out. If the chairman would like to read it, it says:

"Possible dual construction of the clause 'for a period of more than 30 days' deserves clarifying comment: If an individual is actually assigned on bona fide military duty by orders providing for duty status at the installation involved, so that his orders require his presence at the installation for a minimum of 30 days, he would then be eligible for a license under the preferred status provisions when first physically present for duty on such orders."

Mr. METCALF. Mr. Chairman, will the gentleman yield?

Mr. ENGLE. I yield to the gentleman from Montana.

Mr. METCALF. Mr. Chairman, I want to say that this 30-day provision is a special concession that is granted to the servicemen by most of the States, anyway. Most States require 6 months or a year, and some even 2 years, residence before they can get a residential fishing or hunting license, and we have provided that unless the State law makes this special concession to the military personnel permanently assigned by permitting them to acquire residential licenses after 30 days, the license provision will not apply. So, already by the provisions of this law special concessions are granted to personnel stationed and permanently assigned to the military reservation.

Mr. ENGLE. Mr. Chairman, before we got off on this angle, I was directing my comments to the amendment presently pending by the gentleman from Pennsylvania [Mr. SAYLOR], in which he undertakes to require these cooperative agree-

ments, a great number of which will never be executed and which I contend will actually prevent civilians getting access to these very lush hunting areas.

Mr. METCALF. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am in favor of this amendment. I have taken this time to ask a question of the gentleman from Pennsylvania, who is the author of the amendment. As I understand, this amendment only provides that if the military reservation is going to be opened for nonstationed personnel or their dependents, then it has to be opened on all bases after a cooperative agreement with the State fish and game commission.

Mr. SAYLOR. That is correct.

Mr. METCALF. If a situation arises, such as was suggested by the gentleman from New York, where security reasons required that civilians or non-military personnel be barred from the reservation, then no one can fish except stationed personnel and their dependents?

Mr. SAYLOR. That is correct.

Mr. METCALF. And it would be impossible for civilians who are not permanently stationed to come in and hunt or fish on a military reservation unless all civilians were treated on an equal basis?

Mr. SAYLOR. That is correct.

Mr. METCALF. I support the gentleman's amendment.

Mr. ENGLE. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Utah [Mr. DAWSON].

[Mr. DAWSON of Utah addressed the Committee. His remarks will appear hereafter in the Appendix.]

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. KNOX].

Mr. KNOX. Mr. Chairman, I take this time to ask the chairman of the committee relative to the language on page 5, line 13, where it says:

"(a) The Secretary of Defense shall, with respect to each military installation or facility under the jurisdiction of any military department in a State or Territory—

"(1) require that all hunting, fishing, and trapping at that installation or facility be in accordance with the fish and game laws of the State or Territory in which it is located."

Now, that provides that anyone who is going to hunt or fish on this reservation shall have a license in connection with the State law, but in case it is a closed area, as far as civilian population is concerned, I want to know what the status of that reservation is, as far as military personnel or civilian personnel that are employed on the reservation are concerned.

Mr. ENGLE. Well, the answer is that all people who hunt and fish and trap have to have a license.

In some cases it will not be possible for outside civilians to get on because of the security requirements of the base; but the civilian personnel on the base who are qualified to be on the base, and the military personnel on the base nonetheless will be required to have a license in accordance with State law.

Mr. KNOX. There would be a concession made to the military personnel and the civilian personnel on the base?

Mr. ENGLE. That is right. In other words, there is no use shutting off the area completely to hunting if there are people on the base who can hunt, but they have to have a license.

Mr. KNOX. In other words, it is not restricted, as far as they are concerned, but it is restricted, as far as the civilian population of the State is concerned.

Mr. ENGLE. That is because of the nature of a military base. We simply cannot say that you have to let everybody on because the security considerations will not permit it.

Mr. KNOX. I agree that the security considerations should prevail, but I know of no reason why the civilian personnel working on that base should be granted any concession that the civilian personnel working outside of the base are not granted.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. KNOX] has expired.

The Chair recognizes the gentleman from Maryland [Mr. DEVEREUX].

Mr. DEVEREUX. Mr. Chairman, I rise in opposition to the amendment. I have been trying to follow it very carefully. It seems to me it has created some misunderstanding; at least a certain amount of vagueness as to what the amendment would accomplish. It appears that the committee has considered this amendment before this, did not accept it and they are the ones who have studied this matter thoroughly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SAYLOR].

The amendment was rejected.

Mr. BARTLETT. Mr. Chairman, H. R. 5538 proposes legislation which, in my opinion, is in the public interest. It will, if enacted into law, subject to congressional scrutiny public domain withdrawals in excess of 5,000 acres by the Department of Defense. There can be no doubt that Congress will grant whatever areas are essential for defense purposes; at the same time, any disposition which may exist to make withdrawals excessively large will be checked.

For my part, I should be pleased if H. R. 5538 applied to every department of the Federal Government. Vast as Alaska is, much of it has already been reserved by the National Government. Of the total acreage of 365 million, already 92,310,000 have been reserved for one purpose or another. Military and Naval reserves as such amount to 2,420,000 acres. Additionally in the Arctic there is Naval Petroleum Reserve No. 4 which with adjacent lands reserved from entry during World War II amounts to 48,800,000 acres.

I desire to commend the distinguished Chairman of the Interior and Insular

Affairs Committee, Mr. ENGLE, for the splendid job he has performed in bringing this bill to the House. He and the gentleman from Pennsylvania, Mr. SAYLOR, and those associated with them worked hard in perfecting H. R. 5538. It is a good bill.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HERLONG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H. R. 5538) to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress, and for other purposes pursuant to House Resolution 217, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ENGLE. Mr. Speaker, I ask unanimous consent that I may extend my remarks on the bill just passed and to include extraneous matter, and that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

Mr. KNOX. Mr. Speaker I ask unanimous consent to revise and extend the remarks which I made previously.

The SPEAKER. Without objection it is so ordered.

There was no objection.

WHAT PRICE CANADIAN GAS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SAYLOR. Mr. Speaker, the March 26, 1957, issue of the CONGRESSIONAL RECORD contains an editorial from the St. Paul Pioneer Press entitled "FPC Should Act." It is an appeal for the Federal Power Commission to approve applications for extending natural gas pipelines from the producing fields of the Dominion of Canada into midwestern markets of the United States. The editorial points out that both Senator THYE and Senator HUMPHREY are in favor of immediate approval of this project by the FPC.

Here, Mr. Speaker, is a case of bipartisan benightedness that has come about because the full story of the pipeline project has been withheld from the public by the international speculators and promoters behind it. Understandably, Senators THYE and HUMPHREY—and, in all probability, most elected representatives and public officials from Minnesota and adjoining States—are convinced that it would be advantageous to the general welfare if this new source of energy were to be admitted into the fuels markets of the Midwest. The pipeliners have presented an attractive proposition; they have withheld publication of those facts which might serve to jeopardize their case.

With the permission of the House, I propose at this time to reveal some of the principal objections to permitting Canadian gas to enter United States markets on a wholesale basis. I believe that it is particularly important for Members of Congress to become fully acquainted with this situation so that the Federal Power Commission will not be subjected to further undue criticism for taking the time that is necessary to examine carefully all of the public interest considerations inherent in the Canadian gas proposals.

At the start I wish to explain that, as a Member of Congress from a coal-producing area, I have a very definite personal interest in this case. Families in both bituminous and anthracite coal regions stand to lose heavily if the pipeline promoters are granted their application. Furthermore, that personal interest extends into the Midwest itself, for any matter that threatens the national security is—or should be—close to all of us, regardless of where we may live.

The economic impact of any proposal to admit a foreign commodity at the expense of United States industry and labor poses a public issue that has been debated as long as our Nation has been in existence. The question: Should Government encouraged, or sponsored projects, or policies, permit the jobs of American workingmen to be sacrificed on the altar of foreign trade? For my own part, I feel that the Congress and the executive branch have been entirely too considerate of foreign powers and too indifferent to the needs of our own. I have heard representatives of our Government answer complaints about damage from excessive imports with the comment that low tariff barriers are necessary to diplomatic progress. I contend that no reasonable nation would expect us to accept goods that create economic hardship. The record shows that no foreign nation is so shortsighted about its own welfare and interests. There will be course be diplomatic pressure on our representatives to gain whatever advantage is possible, yet no one could honestly object to our insisting that the job rights of our own people be protected.

Canadian gas imports would bring wholesale unemployment to various industries in this country. This displacement would begin at mines which ship coal into markets along the proposed pipelines. The railroader is the next American worker whose job would be-

come excess under the plan of the international gas exploiters. When coal traffic is down, men who operate trains and maintain rolling stock and other equipment are of necessity laid off. Now, follow these railroad lines from the mines right into distribution centers and on down to where the coal is consumed; you will realize that any unfair foreign competition which affects the coal industry has its repercussions in every shipping center—in homes, churches, and business houses.

Nor would economic tragedy have its terminus in these areas. By admitting natural gas from Canada into the markets proposed in applications to the FPC, the Government would in effect abolish hundreds of jobs on the docks of Great Lakes ports. Add to this list the truck-drivers and fuelyard operators whose businesses would be dissolved and you get some idea of the economic threat contained in the pipeliners' proposal.

Even if he is willing to disregard the economic impact, every American should study the projected pipeline from a security standpoint before advocating reliance upon a foreign source for fuel. The development of military items for the Department of Defense is being carried out on a nationwide basis. Weapons of offense and defense and/or their components are being manufactured in almost every area of the United States. The Midwest is no exception. A dependable source of energy is thus a prerequisite to national security.

Have the prospective consumers who will rely on the pipeline project been advised as to what to expect in an emergency period? If we are to assume that a permit is to be granted for construction of an across-the-border line, and cities in Minnesota and adjoining States switch from coal and oil to foreign gas, a vital part of America's defense efforts will have been placed in the position of dependency on a foreign power. The fact is that, if hostilities erupt between Russia and the West, Canadian industries will require a step-up in power requirements and fuel supply. One answer to the problem would be to cut off exports to America, a decision that would leave United States consumers of Canadian gas without any fuel whatsoever, inasmuch as the ability to deliver coal or oil would have been seriously impaired or destroyed by their relegation to a standby status. Moreover, the possibility of a shortage of natural gas is not limited to the occurrence of emergency conditions. I can think of no more strategic method of attracting industries to the Dominion than by perpetrating—or by threatening—a shortage in the supply of the gas upon which American industry in the Midwest would have come to rely. If you say that such a possibility is out of the question, then please hear this explanation of the Canadian Government's longstanding policy of refusing to permit electricity exports to this country by C. D. Howe, Trade Minister:

If the Americans want our power, let 'em build their plants in Canada.

The editorial in the Pioneer Press presents another problem which potential

85TH CONGRESS
1ST SESSION

H. R. 5538

IN THE SENATE OF THE UNITED STATES

APRIL 12, 1957

Read twice and referred to the Committee on Interior and Insular Affairs

AN ACT

To provide that withdrawals, reservations, or restrictions of more than five thousand acres of public lands of the United States for certain purposes shall not become effective until approved by Act of Congress, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, notwithstanding any other provisions of law, except
4 in time of war or national emergency hereafter declared by
5 the President or the Congress, on and after the date of enact-
6 ment of this Act the provisions hereof shall apply to the
7 withdrawal and reservation for, restriction of, and utilization
8 by, the Department of Defense for defense purposes of the
9 public lands of the United States, including public lands in

1 the Territories of Alaska and Hawaii: *Provided*, That—

2 (1) for the purposes of this Act, the term “public
3 lands” shall be deemed to include, without limiting the
4 meaning thereof, Federal lands and waters of the Outer
5 Continental Shelf, as defined in section 2 of the Outer
6 Continental Shelf Lands Act (67 Stat. 462), and Fed-
7 eral lands and waters off the coast of the Territories of
8 Alaska and Hawaii;

9 (2) nothing in this Act shall be deemed to be
10 applicable to the withdrawal or reservation of public
11 lands specifically as naval petroleum, naval oil shale,
12 or naval coal reserves;

13 (3) nothing in this Act shall be deemed to be
14 applicable to the warning areas over the Federal lands
15 and waters of the Outer Continental Shelf and Federal
16 lands and waters off the coast of the Territory of Alaska
17 reserved for use of the military departments prior to the
18 enactment of the Outer Continental Shelf Lands Act (67
19 Stat. 462) ; and

20 (4) nothing in this Act shall be deemed to be
21 applicable to the following reservations or withdrawals
22 which expired due to the ending of the unlimited national
23 emergency and which subsequent to such expiration
24 have been and are now used by the military depart-
25 ments with the concurrence of the Department of the

1 Interior: Luke-Williams Air Force Range, Arizona;
2 Camp Irwin, California; Edwards Air Force Base, Cali-
3 fornia; Nellis Rifle and Pistol Range Annex, Nevada;
4 and Boardman Precision Bombing Range, Oregon.

5 SEC. 2. No public land, water, or land and water area
6 shall, except by Act of Congress, hereafter be (1) with-
7 drawn from settlement, location, sale, or entry for the use
8 of the Department of Defense for defense purposes; (2) re-
9 served for such use; or (3) restricted from operation of the
10 mineral leasing provisions of the Outer Continental Shelf
11 Lands Act (67 Stat. 462), if such withdrawal, reservation,
12 or restriction would result in the withdrawal, reservation, or
13 restriction of more than five thousand acres in the aggregate
14 for any one defense project or facility of the Department of
15 Defense since the date of enactment of this Act or since the
16 last previous Act of Congress which withdrew, reserved, or
17 restricted public land, water, or land and water area for
18 that project or facility, whichever is later.

19 SEC. 3. Any application hereafter filed for a withdrawal,
20 reservation, or restriction, the approval of which will, under
21 section 2 of this Act, require an Act of Congress, shall
22 specify—

23 (1) the name of the requesting agency and in-
24 tended using agency;

25 (2) location of the area involved, to include a de-

1 tailed description of the exterior boundaries and ex-
2 cepted areas, if any, within such proposed withdrawal,
3 reservation, or restriction;

4 (3) gross land and water acreage within the exte-
5 rior boundaries of the requested withdrawal, reservation,
6 or restriction, and net public land, water, or public land
7 and water acreage covered by the application;

8 (4) the purpose or purposes for which the area is
9 proposed to be withdrawn, reserved, or restricted, or
10 if the purpose or purposes are classified for national
11 security reasons, a statement to that effect;

12 (5) whether the proposed use will result in con-
13 tamination of any or all of the requested withdrawal,
14 reservation, or restriction area, and if so, whether such
15 contamination will be permanent or temporary;

16 (6) the period during which the proposed with-
17 drawal, reservation, or restriction will continue in effect;

18 (7) whether, and if so to what extent, the proposed
19 use will affect continuing full operation of the public land
20 laws and Federal regulations relating to conservation,
21 utilization, and development of mineral resources, timber
22 and other material resources, grazing resources, fish and
23 wildlife resources, water resources, and scenic, wilder-
24 ness, and recreation and other values; and

25 (8) if effecting the purpose for which the area is

1 proposed to be withdrawn, reserved, or restricted, will
2 involve the use of water in any State, whether, subject
3 to existing rights under law, the intended using agency
4 has acquired, or proposes to acquire, rights to the use
5 thereof in conformity with State laws and procedures
6 relating to the control, appropriation, use, and distribu-
7 tion of water.

8 SEC. 4. Chapter 159 of title 10, United States Code, is
9 amended as follows:

10 (1) By adding the following new section at the end:

11 “§ 2671. Military reservations and facilities: hunting, fish-
12 ing, and trapping

13 “(a) The Secretary of Defense shall, with respect to
14 each military installation or facility under the jurisdiction
15 of any military department in a State or Territory—

16 “(1) require that all hunting, fishing, and trapping
17 at that installation or facility be in accordance with
18 the fish and game laws of the State or Territory in
19 which it is located;

20 “(2) require that an appropriate license for hunt-
21 ing, fishing, or trapping on that installation or facility
22 be obtained, except that with respect to members of
23 the Armed Forces, such a license may be required only
24 if the State or Territory authorizes the issuance of a

1 license to a member on active duty for a period of more
2 than thirty days at an installation or facility within that
3 State or Territory, without regard to residence require-
4 ments, and upon terms otherwise not less favorable than
5 the terms upon which such a license is issued to resi-
6 dents of that State or Territory; and

7 “(3) develop, subject to safety requirements and
8 military security, and in cooperation with the Governor
9 (or his designee) of the State or Territory in which
10 the installation or facility is located, procedures under
11 which designated fish and game or conservation officials
12 of that State or Territory may, at such time and under
13 such conditions as may be agreed upon, have full access
14 to that installation or facility to effect measures for the
15 management, conservation, and harvesting of fish and
16 game resources.

17 “(b) The Secretary of Defense shall prescribe regu-
18 lations to carry out this section.

19 “(c) Whoever is guilty of an act or omission which
20 violates a requirement prescribed under subsection (a) (1)
21 or (2), which act or omission would be punishable if com-
22 mitted or omitted within the jurisdiction of the State or
23 Territory in which the installation or facility is located, by
24 the laws thereof in effect at the time of that act or omission,
25 is guilty of a like offense and is subject to a like punishment.

11 “(d) This section does not modify any rights granted by
12 treaty or otherwise to any Indian tribe or to the members
13 thereof.”

14 (2) By adding the following new item at the end of the
15 analysis:

“2671. Military reservations and facilities: hunting, fishing, and trapping.”

16 SEC. 5. The Federal Property and Administrative Serv-
17 ices Act of 1949 (63 Stat. 377), as amended, is hereby
18 further amended by revising section 3 (d) to read as
19 follows:

20 “(d) The term ‘property’ means any interest in prop-
21 erty except (1) the public domain; lands reserved or dedi-
22 cated for national forest or national park purposes; min-
23 erals in lands or portions of lands withdrawn or reserved
24 from the public domain which the Secretary of the Interior
determines are suitable for disposition under the public land
mining and mineral leasing laws; and lands withdrawn or
reserved from the public domain except lands or portions of
lands so withdrawn or reserved which the Secretary of the
Interior, with the concurrence of the Administrator, deter-
mines are not suitable for return to the public domain for
disposition under the general public-land laws because such
lands are substantially changed in character by improve-
ments or otherwise; (2) naval vessels of the following
categories: Battleships, cruisers, aircraft carriers, destroyers,

1 and submarines; and (3) records of the Federal Govern-
2 ment.”

3 SEC. 6. All withdrawals or reservations of public lands
4 for the use of any agency of the Department of Defense,
5 except lands withdrawn or reserved specifically as naval pe-
6 troleum, naval oil shale, or naval coal reserves, heretofore or
7 hereafter made by the United States, shall be deemed to be
8 subject to the condition that all minerals, including oil and
9 gas, in the lands so withdrawn or reserved are under the
10 jurisdiction of the Secretary of the Interior and there shall be
11 no disposition of, or exploration for, any minerals in such
12 lands except under the applicable public land mining and
13 mineral leasing laws: *Provided*, That no disposition of, or
14 exploration for, any minerals in such lands shall be made
15 where the Secretary of Defense, after consultation with the
16 Secretary of the Interior, determines that such disposition or
17 exploration is inconsistent with the military use of the lands
18 so withdrawn or reserved.

Passed the House of Representatives April 11, 1957.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

To provide that withdrawals, reservations, or restrictions of more than five thousand acres of public lands of the United States for certain purposes shall not become effective until approved by Act of Congress, and for other purposes.

APRIL 12, 1957

Read twice and referred to the Committee on Interior
and Insular Affairs

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued July 24, 1957
For actions of July 23, 1957
85th-1st No. 130

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HIGHLIGHTS: Sen. Hruska urged additional research on industrial uses of farm products. Rep. Marshall introduced and discussed bill to provide incentive payments for marketing lightweight hogs.

HOUSE

1. APPROPRIATIONS. Received the conference report on H. R. 7665, the Defense Department appropriation bill for 1958 (H. Rept. 841). pp. 11287-9
2. ADMINISTRATIVE ORDERS. The Judiciary Committee reported with amendment H. R. 6788, to authorize the abbreviation of the record on the review or enforcement of orders of administrative agencies by the courts of appeals and the review or enforcement of such orders on the original papers, and to make uniform the law relating to the record on review or enforcement of such orders (H. Rept. 842). p. 11325
3. ELECTRIFICATION. The Public Works Committee reported without amendment H. R. 8643, to authorize the construction of certain works of improvement in the Niagara River for power (H. Rept. 862). p. 11325
4. ROADS; PERSONNEL. A subcommittee of the Public Works Committee ordered reported S. 1941, to authorize the payment by the Bureau of Public Roads of transportation and subsistence costs to temporary employees on direct Federal highway projects. p. D684

5. COMMITTEE ASSIGNMENTS. Rep. Boyle, Ill., resigned from the Judiciary Committee and was elected a member of the Appropriations Committee. p. 11319

SENATE

6. INDUSTRIAL USES. Sen. Hruska urged that an expanded program for research on industrial uses of agricultural products be undertaken immediately, and inserted a favorable editorial. pp. 11237-8
7. DISASTER RELIEF. Sen. Bush urged disaster relief for dairy farmers and others faced with destruction of their hay crop because of the drought. p. 11243
8. FARM PROGRAM. Sen. Humphrey inserted two letters to the editor criticizing the present farm program and urging aid for family farms. pp. 11250-1
9. GRAIN. Sen. Humphrey inserted correspondence with grain merchants opposing the change from bushels to hundredweights in grain-handling procedures. pp. 11251-2
10. LANDS. The Public Lands subcommittee ordered reported to the full Interior and Insular Affairs Committee with amendments H.R. 5538, to provide that withdrawals and restrictions of more than 5,000 acres of public lands shall be ineffective until approved by Congress. p. D682
11. FOREST ROADS. Sen. Neuberger urged development of more forest access roads, and inserted an article by Sen. Magnuson, and his correspondence with Sen. Chavez, supporting S. 1136, to increase the authorization for Federal construction of timber access roads. pp. 11225-6
12. TOBACCO. Sen. Neuberger inserted two articles on cigarettes and public health education about tobacco. pp. 11227-9
13. INTEREST RATES. Sens. Gore, Johnston, and Wiley discussed the latest interest rate increase and its effect on the economy and standard of living. p. 11233

ITEMS IN APPENDIX

14. PARITY. Sen. Sparkman inserted an editorial, "Let's Keep the Parity Principle" which states that "Secretary Benson has not proved that the parity principle has failed. He has simply proved that there has been too much looseness in enforcing or carrying out the parity principle." pp. A5922-3
15. TOBACCO. Sen. Neuberger inserted an editorial, "Do You Want to Support Tobacco?" and stated that this points out "compelling arguments for removing tobacco from the list of basic crops eligible for Federal financial assistance." p. A5924
16. INFLATION. Rep. Ray stated the specter of inflation is becoming increasingly real and important in the minds of rapidly growing numbers of people and inserted an article on this subject. p. A5928
Rep. Hiestand stated the basic cause of inflation is Government spending, but that we cannot lick spending unless the people of the U. S. are back of us. p. A5931
17. PUBLIC WORKS. Various speeches, discussions and insertions on the omnibus public works bill now pending. pp. A5915, A5928, A5933, A5936-7, A5942
18. COTTON. Rep. Rogers, Mass, inserted a letter and fact sheet from the Textile Workers Union of America dealing with the problem of raw cotton and discussing the position the Union takes on legislation on cotton marketing now pending in the Congress. pp. A5929-30

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

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For actions of

August 14, 1957
August 13, 1957
85th-1st, No. 146

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HIGHLIGHTS: Senate agreed to conference report on mutual security authorization bill. Both Houses agreed to conference report on public works appropriation bill. Senate passed temporary appropriations measure for August. Sen. Morse inserted Farmers' Union telegram opposing Paarlberg nomination. Conferees agreed to file conference report on poultry inspection bill. House subcommittee ordered reported bill to suspend payments on loans in disaster areas.

SENATE

1. **FOREIGN AID.** Agreed to the conference report on S. 2130, the mutual security authorization bill. pp. 13204-6, 13213-21, 13287-328
2. **PUBLIC WORKS APPROPRIATION BILL, 1958.** Both Houses agreed to the conference report on this bill, H. R. 8090, and acted on amendments in disagreement. This bill will now be sent to the President. pp. 13329-41, 13230-7
3. **TEMPORARY APPROPRIATIONS.** Passed without amendment H. J. Res. 426, to provide appropriations for Aug. 1957 pending enactment of the regular appropriations for certain agencies. This measure will now be sent to the President. p. 13191
4. **NOMINATION.** Sen. Morse inserted a telegram from James G. Patton, of the Farmers Union, opposing the nomination of Don Paarlberg as Assistant Secretary of Agriculture. p. 13190

5. PERSONNEL. Began debate on S. 2127, to amend the Federal Employees' Life Insurance Act of 1954 so as to limit reductions in the face value of policies after retirement. pp. 13191-5

Several Senators spoke in favor of pay raises for Federal employees. Sen. Humphrey claimed the administration has encouraged inflation, through increased interest rates, and should not object to pay raises from the inflation standpoint. He suggested that the administration had caused reductions in farm income. He gave increased food processing costs as a reason for Government pay raises. pp. 13195-201

6. LAND WITHDRAWALS. The Interior and Insular Affairs Committee reported without amendment H. R. 5538, to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands for certain purposes shall not become effective until approved by act of Congress (S. Rept. 857). p. 13173

7. ELECTRIFICATION. Sen. Murray inserted several resolutions from the N. Dak. Assn. of Rural Electric Cooperatives. pp. 13172-3

8. TRANSPORTATION. The report of the Small Business Committee on "Mergers and Possible Growth of Concentration in the Trucking Industry" was presented. p. 13178

9. TENNESSEE VALLEY AUTHORITY. Sen. Schoeppel inserted an editorial favoring the nomination of A. R. Jones to the TVA Board. p. 13182

HOUSE

10. POULTRY INSPECTION. The Conferees agreed to file a conference report on S. 1747, to provide for the compulsory inspection by this Department of poultry and poultry products. p. D774

11. TRANSPORTATION. The conferees agreed to file a conference report on S. 939, to amend the Interstate Commerce Act to provide that reduced rate agreements for the movement of government freight or passengers shall apply only in time of war or national emergency, and to finalize contracts made between the government and common carriers. p. D774

12. FARM LOANS. A subcommittee of the Agriculture Committee ordered reported H.R. 8934, to make available to farmers in disaster areas a one-year suspension of payments of principal and interest on loans obtained from this Department. p. D772

Received a Peach Growers Cooperative Assoc. petition favoring the enactment of this legislation. p. 13286

13. FLOOD CONTROL. The Public Works Committee reported with amendment S. 497, the rivers and harbors and flood control bill (H. Rept. 1122). p. 13283

14. WATER UTILIZATION. The Interior and Insular Affairs Committee reported without amendment H.R. 8465, to grant the consent of Congress to the Klamath River Basin compact between the States of Calif. and Ore. (H. Rept. 1130). p. 13284

15. WATERSHEDS. Received from the Bureau of the Budget watershed work plans for the Caney Creek watershed, Ark., the Sandy Creek watershed, Okla., the Lacamas Creek tributaries watershed, Wash., and the Sulphur Creek watershed, Tex.; to Agriculture Committee. p. 13283

85TH CONGRESS }
1st Session }

SENATE

{REPORT
{No. 857

MILITARY PUBLIC LAND WITHDRAWALS

REPORT

OF THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE

TO ACCOMPANY

H. R. 5538

A BILL TO PROVIDE THAT WITHDRAWALS, RESERVATIONS, OR RESTRICTIONS OF MORE THAN 5,000 ACRES OF PUBLIC LANDS OF THE UNITED STATES FOR CERTAIN PURPOSES SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY ACT OF CONGRESS, AND FOR OTHER PURPOSES



AUGUST 13, 1957.—Ordered to be printed

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MILITARY PUBLIC LAND WITHDRAWALS

AUGUST 13, 1957.—Ordered to be printed

Mr. BIBLE, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H. R. 5538]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 5538) to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

Strike out all of section 1 (4) and insert in lieu thereof the following:

(4) nothing in sections 1, 2 or 3 of this Act shall be deemed to be applicable either to those reservations or withdrawals which expired due to the ending of the unlimited national emergency of May 27, 1941, and which subsequent to such expiration have been and are now used by the military departments with the concurrence of the Department of the Interior, or to the withdrawal of public domain lands of the Marine Corps Training Center, Twentynine Palms, California, and the Air-To-Air Gunnery Range, Sahwave Mountain, Nevada.

SENATE HEARINGS

At the time the reported bill was referred to the committee after its passage in the House of Representatives, there were two measures introduced in the Senate dealing with the subject of withdrawals of public domain lands; both were pending before the Committee on Interior and Insular Affairs. S. 557 (introduced by Mr. Bible of Nevada) dealt with the withdrawal of public lands for military purposes. S. 954 (introduced by Messrs. Watkins and Bennett of Utah)

sought to establish procedures for the withdrawal of public lands by all governmental agencies.

In view of the urgent necessity of enacting legislation designed to control rapidly expanding military control of public lands, the committee limited its consideration of withdrawal legislation to public lands use by the military departments. The committee fully intends to consider the more comprehensive type of withdrawal legislation during the next session of the 85th Congress.

During the 84th and 85th Congresses, the House Committee on Interior and Insular Affairs devoted some 28 days to a thorough examination of the use of public domain lands by the military departments. Under its able chairman, Mr. Engle, of California, that committee made a most persuasive case for congressional regulation of public land withdrawals for military purposes.

The House committee's hearing record and its excellently documented report on H. R. 5538 were used extensively by this committee in its consideration of the reported legislation. The House record was so comprehensive that only limited hearings were held by the Senate committee. To a very large extent, the report herewith filed is that prepared by the House committee; only minor changes have been made by this committee, including the addition of current statistical data.

PURPOSE OF THE AMENDMENT

With the exception of the references to the Twentynine Palms, Calif., reservation and the proposed withdrawal of public lands at Sahwawe Mountain, Nev., the language of the single amendment refers to military reservations which have been created at least in part from the public domain. These areas were properly withdrawn in times past by the issuance of executive or public land orders. Those orders, however, were to terminate automatically 6 months after the end of the national emergency attending World War II. The military departments have retained the specified areas with the permission of the Department of the Interior. On each reservation there exist physical facilities and improvements on which military training programs are carried out. While formal orders will undoubtedly issue in the future to implement the Defense-Interior agreement with respect to these particular areas, the bill does not require that such orders be made effective by specific congressional enactments.

In relieving the Department of the Navy of compliance with the bill's first three sections, at least with respect to the withdrawal of public lands utilized at the Marine Corps Training Center at Twentynine Palms, Calif., the committee has done so with some reluctance. In 1952, acting in behalf of the Marine Corps, the Department of the Navy filed an application for the withdrawal of in excess of 400,000 acres of public domain lands claimed to be needed for the Marine Corps training center. Since that time, the Navy has invested millions of dollars in the construction of facilities at the Twentynine Palms station and has asserted exclusive jurisdiction over the entire area, notwithstanding the fact that no withdrawal order has ever been issued to the Navy by the Department of the Interior. The committee is determined that Federal agencies will comply with the public land laws and regulations issued thereunder just as private citizens are

required to do so. The Department of the Interior is now preparing a withdrawal order which will embrace the Twentynine Palms lands. While the committee strongly condemns the manner in which the Navy proceeded in this situation, it would seem that the matter can best be resolved at this time by permitting the issuance of a withdrawal order without the requirement of congressional review.

In treating the Sahwave Mountain air-to-air gunnery range as an area excepted from the requirements of the bill's first three sections, the committee is dealing with public domain lands that are presently embraced in a pending withdrawal request submitted by the Department of the Navy. The Secretary of the Interior has withheld a decision on the request of the Navy in accordance with an agreement that all pending withdrawal requests would be held in abeyance until a final disposition is made of H. R. 5538 by the Congress. Nevertheless, a thorough examination of the need for the Sahwave Mountain withdrawal has already been conducted by the Senate Committees on Armed Services and Appropriations. Legislation enacted in the 84th Congress (Public Laws 814 and 968) authorizes and provides funds for the acquisition of grazing rights, mining claims and privately owned lands embraced within the proposed Sahwave gunnery area. It is the committee's opinion that any additional review of the matter by a legislative committee, such as that required by the provisions of this bill, is unnecessary. The Navy has modified its original request for public lands in the Sahwave area by nearly 1½ million acres since obtaining the right to utilize a portion of the Air Force's Nellis-Tonopah gunnery range. The committee is confident that the Secretary of the Interior, if permitted by the language of the reported bill to sign a withdrawal order for the Sahwave Mountain range, will honor a request submitted to him by Messrs. Bible and Malone to delete an additional 114,000 acres from the proposed withdrawal which were not considered during the hearings conducted by the Committees on Armed Services and Appropriations mentioned previously. Your committee feels this amendment fully protects the general public interest and promotes the expeditions accomplishment of specific military missions.

PURPOSE OF H. R. 5538

H. R. 5538 deals with defense agency acquisition and use of the public lands and associated resources of the United States for defense purposes. The broad purpose and objective of the bill is to return from the executive branch to the Congress—to the extent that such lands are involved—the responsibility imposed by the Constitution on the Congress for their management.

Specifically, the reported measure deals with the withdrawal and reservation for, restriction of, and utilization by the Department of Defense for defense purposes of the public lands of the United States and Alaska and Hawaii, the outer Continental Shelf lands of the United States, and Federal lands and waters off the coasts of Alaska and Hawaii. If the reported bill is enacted, such proposed uses by agencies of the Department of Defense involving more than 5,000 acres for any one project or facility could only be effectuated—notwithstanding any other provisions of law, except in time of war or national emergency hereafter declared by the President or the Con-

gress—after compliance with its terms, and after approval of such proposals by specific act of Congress.

H. R. 5538, in addition, would set out clear-cut statutory requirements for the utilization and disposition of certain of the resources found within existing and future military installations and facilities so as to assure highest and best management, conservation, utilization, and development thereof on a continuing basis. To achieve these objectives—

First, the bill would lay a more adequate base for fully determining at the local level and for congressional consideration the resource impact of proposed withdrawals;

Second, H. R. 5538, if enacted, would substantially reduce the areas of present and continuing conflict between State and Territorial officials and the commanding officers of military installations and facilities involving the management, conservation, and harvesting of fish and game resources, and the enforcement of fish and game laws within military installations and facilities;

Third, the bill would amend in two particulars the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, so as to clarify operations thereunder involving the disposition of the mineral estate in withdrawn or reserved public domain lands, and to redefine the responsibility of the Secretary of the Interior with respect to disposition of public lands withdrawn or reserved and subsequently declared excess to the needs of Federal agencies; and

Fourth, the bill's provisions would remove whatever doubts may exist, if any, as to the laws which govern the disposal of and exploration for any and all minerals, including oil and gas, in public lands of the United States heretofore or hereafter withdrawn or reserved by the United States for the use of Defense agencies.

Defense withdrawal application procedure

The first of these objectives would be accomplished by continuing in effect—but by redefining the requirements therein—the present procedure whereby the requesting defense agency files an application with the appropriate land office of the Bureau of Land Management, Department of the Interior, for withdrawal, restriction, or reservation of a specified area. Such applications for use of areas embraced within the terms of the bill will hereafter be required to specify: The name of the requesting and intended using agency; the location and gross and net acreage involved; purpose or purposes of the withdrawal, restriction, or reservation; whether contamination will result from the proposed use or uses; use period; effect of use on continuing full operation of the public land laws, and full resources utilization, management, and development; and the relationship of the proposed use to laws and procedures of the States of the reclamation West relating to the control, appropriation, use, and distribution of water.

Local hunting and fishing laws made applicable

To accomplish the second objective, with respect to any military installation or facility, the bill would require that hunting, trapping, and fishing thereon be in accordance with the fish and game laws of

the State or Territory in which such areas are located; and that State or Territorial licenses be obtained for hunting, trapping, and fishing thereon if local law authorizes their issuance to Armed Forces members on bona fide military duty for more than 30 days at any installation within the State or Territory involved, without regard to residence requirements, and upon terms no less favorable than those upon which such a license is issued to residents.

Further, the bill would mandate the Secretary of Defense, in cooperation with the appropriate governor or his designee and subject to safety and military-security requirements, to develop procedures whereby State or Territorial fish and game or conservation officials may have full access thereto to effect measures for the management, conservation, and harvesting of fish and game resources.

By the terms of the bill, violations of the State and Territorial fish and game laws made applicable to military installations and facilities are made violations of Federal law, and subject to like punishment as though committed or omitted within the State or Territorial jurisdiction.

The bill specifically recites that rights granted by treaty or otherwise to any Indian tribe or members thereof are not modified by the provisions dealing with fishing, trapping, and hunting.

Disposition of surplus defense lands

The third objective would be accomplished by amending the amended Federal Property and Administrative Services Act of 1949 to make it clear that minerals in withdrawn or reserved public domain lands which the Secretary of the Interior determines are suitable for disposition under the public-land mining and mineral leasing laws are excepted from the real property disposition provisions of the amended 1949 act; similarly, only those withdrawn or reserved public domain lands excess to the needs of Federal agencies found by the Secretary—with the concurrence of the Administrator of General Services—not suitable for restoration to public land status, by virtue of their having been substantially changed in character by improvements, would hereafter be subject to the real property disposition provisions of the amended 1949 act.

Mineral resources in defense lands

Finally, the reported bill would accomplish the fourth objective by declaring that all minerals in withdrawn or reserved public lands except lands withdrawn or reserved specifically as naval petroleum, naval oil shale, or naval coal reserves—are under the jurisdiction of the Secretary of the Interior, and that no disposition thereof, or exploration therefor, shall be made except under

* * * the applicable public-land mining and mineral leasing laws.

BACKGROUND OF THE LEGISLATION

As set out above, H. R. 5538 and related bills have as their fundamental purpose and objective returning to the Congress a greater degree of the direct exercise of the responsibility fixed by the Federal Constitution in the legislative branch for effecting policies and procedures governing the utilization of the public lands and other property of the United States.

Put another way, H. R. 5538 deals with the power to withdraw, reserve, or restrict the public lands and other property of the United States from settlement, entry, location, and sale. Subject only to the limits of its own provisions, and notwithstanding other provisions of law, it is a bill for the recapture by the Congress of those powers which the executive branch of the Government has acquired, over a long period of years, through acquiescence or silence on the part of Congress.

Through statutory enactment, executive and administrative action, and judicial interpretation, the special body of laws by which the Congress has undertaken to carry out its responsibility under the Constitution, the law governing public lands is known as the "public-land law." At the outset, it therefore appears that a brief reference to the statistics and nomenclature of public-land matters generally, and public-land law particularly, will serve to lay a base for understanding of the background, objectives, and effect of the reported legislation.

Area of the 8½ States: Lands disposition

The 48 United States embrace a land and inland water area totaling 1,934,327,680 acres, or 3,022,387 square miles. In the series of international agreements and treaties which establish the boundaries of the United States, the Federal Government acquired title to all the land outside the original 13 States and Texas—the area of those 14 States totaling 463,094,400 acres; thus the balance, commonly referred to as the "area of the original public domain" total 1.4 billion acres.

Since the earliest days of the Republic, title to approximately 1 billion acres of original public domain has passed from the United States. This change from Federal to non-Federal ownership has included, chronologically—

(1) sale of land to help meet the expenses of the Government in the early days of the Republic;

(2) land granted as bounty for military service, for public improvements such as canals, railroads, and highways, and for the benefit of schools, colleges, and other public institutions in the various States;

(3) the policy—following the Civil War—of effecting disposition through homesteading and land settlement, thus permitting expansion of the Union westward to the Pacific, until the

(4) present era of conservation, utilization and development of public land resources of the more than 358 million acres of remaining original public domain and the nearly 50 million acres of "acquired" lands, i. e., federally owned land in the United States acquired by purchase, donation, transfer, or other methods.

Area of Alaska: Lands disposition

The Territory of Alaska embraces a land and inland water area totaling 375,296,000 acres. Of the 365,481,600 acres of total land area, about 99.9 percent, or 365,062,391 acres are federally owned, according to the most recent figures published by the Bureau of Land Management.

While Alaska, acquired in 1867, has in theory enjoyed the benefits of both the "disposition" and "management" policy phases referred to under the previous heading, this committee has in other reports observed that in actual practice Congress has emphasized almost

exclusively the latter policy, since Federal title has passed with respect to only 400,000 plus acres.

Public lands, or public domain lands

In their general sense the terms "public lands" and "public domain lands" are defined as—

Original public domain lands which have never left Federal ownership; also, lands in Federal ownership which were obtained by the Government in exchange for public lands or for timber on such lands; also, original public domain lands which have reverted to Federal ownership through operation of the public-land laws (source: Department of the Interior, Bureau of Land Management, Glossary of Public-Land Terms (1949)).

In its technical, legal, or statutory sense, however, the term "public lands" by itself—employed interchangeably with the term "public domain lands"—is today used to embrace vacant, unappropriated, unreserved Federal real property; i. e., lands open to the public lands laws relating to settlement, entry, location, and sale, and authorizing entry for mining, mineral leasing, timber, and other materials removal, local public purposes, recreation, homesteading, etc. Such lands are administered by the Bureau of Land Management, Department of the Interior.

"Public lands" as a term by itself should also be distinguished from the term "reserved public lands" or "withdrawn public lands." All are public lands, all are public domain; the former generally refers to unreserved public lands, while the latter two terms refer to areas described as "Federal reservations."

Federal reservations

Two categories of federally owned real property may be said to fall within the term "reservations."

Original public domain lands—lands to which title has been in the United States since acquisition—and withdrawn to a greater or lesser degree from the general operation of the public-land laws relating to settlement, entry, location, and sale, are "Federal reservations." So, too, are lands acquired or reacquired by the United States by purchase, condemnation, or by exchange for such purchases condemned, or donated lands or for interests in or on such lands, and held for a specific public purpose.

The term "withdraw" is used interchangeably with the term "reserve" to describe the statutory or administrative action which restricts or segregates a designated area of Federal real property from the full operation of the public-land laws relating to settlement, entry, location, and sales, which action holds them for a specific—and usually limited—public purpose.

Examples of reservations include: national forest reserve lands; national parks, monuments, and other units of the national park system; fish and wildlife refuges; petroleum, oil shale, coal, and other mineral reserves; recreation and wilderness areas; reclamation and power withdrawals or reservations; military reservations, and similar areas, all of which are held by some Federal agency for specified public purposes, and all of which may be created wholly from reserved

original public-domain lands, wholly from acquired or reacquired lands, or from portions of both. Other examples of Federal reservations, frequently created wholly from acquired lands, are post-office sites, weather stations, immigration and customs facilities, light-houses, Federal courthouse sites, and the like.

Federally owned lands, as distinguished from reserved public lands on Federal reservations, then, are commonly referred to today—as they are in the reported bill and this report—as “public lands” or “public domain lands.”

Airspace reservations, inland and overwater

The committee, as background for findings and recommendations which follow, wishes to refer to one additional procedure directly relating to the use and development of surface and subsurface resources within areas over which Federal sovereignty is exercised.

Federally owned real property has been categorized above as “reserved public lands” (also known as “Federal reservations”) or as “public lands” (also “public domain lands”). Basically, both categories relate to horizontal use classification, i. e., when so labeled, indication is given as to whether general use of the surface and subsurface resources is permitted, or limited use.

For the past 30 years, progressively increased attention has been directed to matters involving use, in interstate commerce, of airspace over both Federal and non-Federal lands and waters; to the extent that airspace use may be either general or limited, it may be said that what is involved is vertical use classification.

By congressional statutory enactment “airspace reservation” has been defined to mean—

* * * airspace, identified by an area on the surface of the earth, in which the flight of aircraft is prohibited or restricted * * *;

similarly, “aircraft” has been statutorily defined to mean—

* * * any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air * * *.

(See the act of June 23, 1938, cited at 52 Stat. 977-978; 49 U. S. C. 401.)

Primarily by reason of military requirements—and in limited instances by reason of security requirements—substantial acreages of land, both inland and offshore, are today overlayed with airspace reservations which the responsible Federal agency, the Civil Aeronautics Administration, variously denominates “restricted,” “caution,” “warning,” “prohibited,” or “controlled firing” areas. When an agency subject to existing statutory and regulatory requirements proposes to use airspace for activities such as aircraft, ballistics, missiles, or weapons testing or training activities—or for such less space-consuming activity as launching of anchored balloons used in gathering weather data—and the proposed activity offers potential hazards to air navigation, several steps are involved.

Consideration of the proposal will normally first lie before one of the several regional airspace subcommittees, at which level opportunity is afforded for notice to other interested agencies and for hearings. Centralized consideration of the field proposal is thereafter had

by the Washington Airspace Panel and the Air Coordinating Committee en route to final processing by the CAA.

Designation of an airspace restricted area overland by the CAA is accompanied by promulgation and publication of the fact of designation. The areas so limited are charted on appropriate air and surface navigation charts and maps, and permission must be obtained from the controlling agency before entry of the airspace is effected.

Prohibited areas, designated by Executive order of the President where national security is involved, are airspace areas closed to any and all aircraft entry.

Existence of overwater warning areas seaward of the territorial waters of the United States, on the other hand, operates only to put air or surface users in the vicinity on notice that hazards to navigation may be present, and has the effect of alerting the user to proceed with caution.

As will presently be shown, existing procedures providing for the designation of restricted areas by reason of military airspace use may have the effect of closing to resource development the surface and subsurface underlying the requested airspace.

Scope of the reported bill, H. R. 5538

Having in mind the foregoing, there emerges this statistical picture, revised from 1956 to reflect current compilations—

(1) The United States owns approximately 772 million acres of real property today, of which some 407 million acres are located within the 48 States, 365 million acres in Alaska.

(2) Within the foregoing definitions, approximately 365 million acres of federally owned real property are denominated "Federal reservations," 275 million acres in the 48 States, 90 million acres in Alaska.

(3) The public lands of the United States open to settlement, entry, location, and sale under the public-land laws therefore total approximately 440 million acres, of which only 170 million acres are located in the 48 States, 270 million acres are located in Alaska.

H. R. 5538 generally deals with the power of the Executive to withdraw, reserve, or restrict, for Defense purposes, the remaining 170 million acres of public lands—as herein defined—in the 48 States, the remaining 270 million acres in Alaska, and the public lands in Hawaii. As indicated earlier, H. R. 5538 would also directly affect utilization and disposition of the surface estate, surface resources, and mineral estate of substantial areas of public land reserved or withdrawn areas, as well as outer Continental Shelf lands and lands and waters off the coasts of Alaska and Hawaii.

It is against this background that the policy questions raised by H. R. 5538 must be considered. So that there may be retained in the 85th Congress in a single document as a part of the legislative history of the reported bill, the committee is again including some of the material contained in House Report No. 2856 of the 84th Congress, 2d session, to accompany H. R. 12185, the predecessor legislation to the bill herewith reported.

FEDERAL PROPERTY AND THE CONSTITUTION

The committee here reiterates that H. R. 5538 is a bill for the recapture by the Congress of those powers which the executive branch of the Government has acquired over a long period of years with respect to the withdrawal of the public lands from settlement, entry, location, and sale under the public land laws—an Executive power acquired through acquiescence or silence on the part of the Congress.

That Congress has the final authority for the making of public land withdrawals or reservations cannot be doubted. The Federal Constitution and decisions of the Supreme Court make this point amply clear.

The property clause

Article IV, section 3, clause 2, of the Constitution declares that—

The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States; * * *

It will be noted that the grant of this power—the fixing of it in the Congress—is without qualification or exception. As will presently be shown, the decisions of the Supreme Court of the United States construing this constitutional provision establish two fundamental principles germane to any discussion of the pending legislation: First, that the power of Congress over the use and disposition of Federal property is without limitation; second, that Congress may—expressly or by implication—grant powers to the Executive to act for the Congress in precisely the same way that an owner might grant powers to an agent.

Supreme Court decisions and the General Withdrawal Act of 1910

As recently as March 15, 1954, the Supreme Court of the United States had occasion to refer to the decisions of the past involving the property clause. In the case of *Alabama v. Texas et al.* (347 U. S. 272), an original action decided together with *Rhode Island v. Louisiana et al.*, the Court had under consideration motions of the States of Alabama and Rhode Island for leave to file complaints challenging the constitutionality of the Submerged Lands Act of 1953 (67 Stat. 29).

The Court, in its per curiam opinion denying the motions, bases its conclusion that the 1953 act is constitutional on the language in article IV, section 3, clause 2, of the Constitution. The extracts from the earlier decisions relied upon in this recent case are pertinent here:

The power of Congress to dispose of any kind of property belonging to the United States is vested in Congress without limitation (*United States v. Gratiot*, 14 Pet. 526, 537).

For it must be borne in mind that Congress not only has a legislative power over the public domain, but it also exercises the powers of the proprietor therein. Congress “may deal with such lands precisely as a private individual may deal with his farming property. It may sell or withhold them from sale” (cases cited) (*United States v. Midwest Oil Company*, 326 U. S. 459, 474).

* * * The power over the public lands thus entrusted to Congress is without limitations. "And it is not for the courts to say how that trust shall be determined" (*United States v. San Francisco*, 310 U. S. 16, 29-30).

We have said that the constitutional power of Congress [under art. IV, sec 3, clause 2] is without limitation * * * (*United States v. California*, 332 U. S. 19, 27).

The foregoing should serve to sustain the assertion that Congress has unlimited power respecting the use and disposition of Federal property.

The decision in the Midwest Oil case, *supra*, as will presently be shown, also forms the basis for an assertion by the Executive that Congress by implication prior to 1910, and expressly thereafter, had granted to the Executive the power to act for the Congress in certain matters respecting the use of Federal property.

The act of June 25, 1910 (36 Stat. 247; 43 U. S. C. 141-143), as amended, referred to as the General Withdrawal Act, reads in pertinent part as follows:

That the President may, at any time, in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States including the District of Alaska and reserve the same for waterpower sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by an act of Congress.

SEC. 2. That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same shall apply to metalliferous mineral * * *.

Basis for "implied power" assertion

The Midwest Oil Co. case involved a withdrawal order made prior to the passage of the 1910 act. In that opinion, with respect to pre-1910 Executive actions, the Court said the power exercised by the Executive arose through a long-continued practice acquiesced in by the Congress; at the same time, the Court recognized congressional control (236 U. S. 459, 471, 474-475), but pointed out that:

The Executive, as agent, was in charge of the public domain; by a multitude of orders, extending over a long period of time and affecting vast bodies of land in many States and Territories, he withdrew large areas in the public interest. These orders were known to the Congress, as principal, and in not a single instance was the act of the agent disapproved. Its acquiescence all the more readily operated as an implied grant of power in view of the fact that its exercise was not only useful to the public but did not interfere with the vested right of the citizen.

Thus was born the oft-quoted syllabus point from the Midwest opinion (236 U. S. 459, 460) which declares:

Silence of Congress after consideration of a practice by the Executive may be equivalent to acquiescence and consent that the practice be continued until the power is revoked.

So much for the implied power in the Executive prior to the General Withdrawal Act of 1910.

Basis for "express power" assertion

In the wake of congressional enactment of the 1910 act empowering the President to make temporary withdrawals of the public lands, controversy arose as to whether the legislative authority for effecting temporary withdrawals was, in effect, a limitation upon the general power of the Chief Executive to make withdrawals of the public domain.

The then Attorney General, Robert H. Jackson, in a letter to Secretary of the Interior Harold Ickes on June 4, 1941, expressed the belief that, since the President was possessed of the power to make permanent reservations and temporary withdrawals of the public lands prior to the enactment of June 25, 1910, the Withdrawal Act of that date should be construed as affirming rather than limiting the authority of the President to make withdrawals of the public domain.

Thus, the basis for the assertion of express power in the Executive was created—through the Midwest decision and Jackson letter—to the satisfaction of the agencies of the executive interested in withdrawal and reservation of public domain lands. In hearings last year before the House Committee on Interior and Insular Affairs prior to development of the reported measure, Defense Department witnesses on several occasions, as well as witness for the Department of the Interior, affirmed that the basis for the assertion today of express power to make permanent withdrawals—as distinguished from temporary withdrawals authorized by the 1910 act—is the 1941 letter of the Attorney General, as supported by the Supreme Court in the Midwest Oil decision.

It would seem pertinent at this point to observe that Congress—applying the Midwest Oil yardstick—has perhaps, since 1941 remained silent, and has therefor indulged in a practice—

* * * equivalent to acquiescence and consent that the practice be continued until the power exercised is revoked.

H. R. 5538 is specifically aimed at breaking that silence—if silence it be—with respect to the Federal property embraced by its terms, and for the reasons hereinafter set out, and to that extent signaling an end to the implied consent by direct congressional enactment limiting the power exercised.

Bases for current withdrawals

Having in mind the foregoing, and considering statutory enactments presently in effect, it may be ascertained in summary that withdrawals today are made under four major bases of authority:

(1) The first of these is the implied authority of the Executive. It has been the practice since the early days of the Republic, as the necessities of the public service required, for the President to withdraw public lands from the operation of the public land laws and to reserve them for specific purposes.

This practice, it is argued, continued over the years with the knowledge—and without the disapproval—of the Congress, and was recognized in the Midwest Oil case, *supra*, which enunciated the principle that by such use of the power of withdrawal a grant of authority to the Executive was implied.

This broad, implied authority was delegated to, and presently vests in, the Secretary of the Interior as a result of a series of Executive orders: by Executive Order No. 9146, of April 24, 1942, and Executive Order No. 9337 of April 24, 1943, and lastly, by Executive Order No. 10355 of May 26, 1952. The latter order removed the necessity—according to Interior Department testimony—theretofore existing that withdrawal orders be cleared through the Attorney General and the Bureau of the Budget, and specified that all withdrawals made under its authority should be designated as “public land orders.”

(2) The second basis for current withdrawals is the act of June 25, 1910, *supra*. It is pointed out that while withdrawals under the General Withdrawal Act of 1910 are termed “temporary,” the act specified that they shall remain in force until revoked by the President or by an act of Congress; further that such lands remain at all times open to location under the mining laws as the same apply to metal-liferous minerals.

(3) The third category includes withdrawals made under various acts establishing particular fields of activity, relating to the responsibility of the several executive agencies. Better known examples in this category include: the amended act of March 3, 1891 (26 Stat. 1103; 46 U. S. C. 471), authorizing the President to reserve lands as national forests; section 3 of the Reclamation Act of June 17, 1902, as amended (39 Stat. 865; 43 U. S. C. 416), authorizing the Secretary of the Interior to withdraw lands for reclamation purposes; the act of June 8, 1906 (34 Stat. 225; 16 U. S. C. 431–433), authorizing the President to reserve objects of historic interest on the public lands as national monuments; the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, providing for the reservation of public lands included in any proposed waterpower project; the act of March 10, 1934 (48 Stat. 400; 16 U. S. C. 694), authorizing the President to establish by proclamation lands in national forests as fish and game sanctuaries; the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269; 43 U. S. C. 315), as amended, providing for the withdrawal of lands upon publication of notice of intent to include them in a grazing district; and, more recently, the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 469; U. S. C. 1341).

(4) Finally, the fourth category involves special acts of Congress designating specific areas to be withdrawn for a specific purpose, e. g., acts establishing the several national parks embracing public lands, acts authorizing establishment of naval petroleum reserves, etc.

It is the first of these bases of authority—the implied authority of the Executive to make withdrawals of the public lands—which the provisions of H. R. 5538 would modify. Specifically, it is under authority of Executive Order No. 10355 that withdrawals by public land order for the Department of Defense are promulgated, and it is the exercise of this authority with which H. R. 5538 particularly deals.

THE PUBLIC LANDS AND RESOURCES

The Committee on Interior and Insular Affairs is charged with legislative responsibility for all matters relating to public lands of the United States, and under the provisions of the Legislative Reorganization Act, is responsible for maintaining continuing oversight of public land law administration.

Recent years, particularly since the end of World War II, have seen a sharp upturn in demands—both from public and private sources—for fuller utilization and development of all of the resources of the public domain: Mineral resources; timber and other material resources; grazing resources; fish and wildlife resources; water resources; scenic, wilderness, recreation, and related values, as well as the land itself as a space or “elbowroom” resource.

The public demand

Two examples will serve to illustrate the basis for the assertion that demands for public land and public land resource uses by the public at large are at an unprecedented peak, as is the demand for use of public lands reserved areas.

Minerals: While the search for uranium, and other source materials, has unquestionably multiplied many times over the pre-World War II annual rate of locations for mineral entry made on the public lands, accurate figures are not available since no centralized Federal record is kept of such locations. Mineral Leasing Act filings—covering oil, gas, oil shale, coal, phosphate, sodium, and potash—are indicative of the trend. Between the date of enactment on February 25, 1920, of the Mineral Leasing Act, and June 30, 1952, filings under the act totaled 209,000. In 3 years thereafter, a total of 101,000-plus filings were made. This means that filings for the period 1920–52 were at a rate of 6,300-plus a year, and that for the period 1953–55, filings have been at a rate of 33,600-plus a year—an increase of 500 percent.

Parks and recreation: National Park Service figures indicate that tourist visits to units of the national park system have jumped from an annual visitor rate of 21.7 million in 1946 to approximately 50 million in 1955.

Comparable figures for other resource uses also show substantially increased postwar demands.

The congressional response

To meet these demands for expanded multiple resource use of the public lands, the committee has initiated in the past few years, and Congress has enacted, several landmark pieces of legislation

In the 83d Congress: Public Law 387 (68 Stat. 173), amending the Recreation Act of 1926 so as to permit nonprofit organizations and governmental subdivisions to lease or purchase public domain lands for public purposes; Public Law 390 (68 Stat. 239), extending the leasing provisions of the Small Tract Act of 1938 to unsurveyed lands, and broadening permissible public uses; Public Law 585 (68 Stat. 708), making compatible for the first time mining and mineral leasing on the same public lands; and Public Law 771 (68 Stat. 1146), authorizing governmental subdivisions or other public agencies to obtain special use permits for certain public purposes.

In the 84th Congress: Public Law 76 (69 Stat. 138), amending the Desert Land Entry Act of 1877; Public Law 167 (69 Stat. 367), the Multiple Surface Use Act, perhaps the most significant change in the mining laws of the United States since 1872; Public Law 357 (69 Stat. 679), permitting mineral-resource development on power withdrawals or reservations; and Public Law 359 (69 Stat. 681), involving development of source materials on certain public coal lands.

During the past several years, there has developed an increasing concern, particularly throughout our public land States, over the continued expansion of single-purpose or limited-purpose reservations through withdrawal of public-land areas. With the exception, perhaps, of reservations created for management purposes by some Federal agency under a specific act of Congress having that objective, the Defense Department has been, and is, the Nation's principal consumer of land for limited-purpose utilization.

As will presently be shown, the spiraling demand by the military for multimillion acre training, gunnery, rocketry, and bombing ranges, and for the testing of missiles and pilotless aircraft had—in mid-1955, in the view of the committee—reached a point when a detailed re-examination of the policies and procedures for managing areas held, and justifying additional holdings, was clearly indicated.

DEFENSE LAND HOLDINGS: 1937-56; PENDING REQUESTS, PROCEDURES

In 1937, the land acreage owned or controlled by defense agencies totaled—including civil functions lands—3.1 million acres.

In 1940, on the eve of World War II, the figure stood at 4.3 million acres.

On June 30, 1945, defense agencies held 25.1 million acres of lands in the United States.

By June 30, 1953, at the close of the Korean war, total holdings (excluding land held for civil functions) amounted to 17.3 million acres.

And, on June 30, 1955, defense agencies held in the "continental" United States alone, exclusive of civil functions and adjusted on the basis of retabulation of figures available a year ago, a total of 27.6 million acres. Of this total, 16.9 million acres represented lands reserved from the public domain.

Table I below shows the total real property controlled, by agencies of the Department of Defense, as of December 31, 1956.

TABLE I.—Defense agency control of lands, United States only, as of Dec. 31, 1956

Military department holding real property	Cost to U. S. Government ¹	Land area (acres)					
		Total controlled	Owned	Public domain	Temporary use	Leased ²	Easements
Total.....	Thousands \$19,044,835	27,074,215	7,421,471	15,187,554	2,792,042	1,607,236	65,912
Army.....	7,062,040	8,812,978	4,062,139	3,259,738	1,043,880	424,231	22,990
Navy.....	6,652,713	4,305,857	1,579,113	2,237,082	241,605	245,647	2,410
Air Force.....	5,330,082	13,955,380	1,780,219	9,690,734	1,506,557	937,358	40,512

¹ Land and improvements.
² Excludes acreage leased outside of installations.

Tables II, III, and IV, below, show military property controlled by the Army, Navy, and Air Force, respectively, as of June 30, 1956, by States, and with original cost of land and improvements indicated.

TABLE II.—*Department of the Army, State distribution of real property controlled, as of Dec. 31, 1956*

	Cost to U. S. Gov- ernment ¹	Land area (acres)					
		Total con- trolled	Owned	Public domain	Temporary use	Leased	Easc- ments
Total.....	Thousands \$7,062,040	8,812,978	4,062,139	3,259,738	1,043,380	424,231	22,990
Alabama.....	296,424	188,068	140,982	33,411	7,080	6,523	72
Arizona.....	74,427	953,094	50,874	896,644	4,783	752	41
Arkansas.....	170,940	99,764	94,311	16	836	4,447	154
California.....	502,186	1,232,496	407,596	627,543	147,829	48,431	1,097
Colorado.....	142,980	186,260	78,798	1,761	74,818	30,845	38
Connecticut.....	1,760	1,289	525			268	496
Delaware.....	16,007	2,332	1,635		156	522	19
District of Columbia.....	30,329	393	393				
Florida.....	2,663	4,422	51	14		4,357	
Georgia.....	216,286	523,506	519,077			97	4,332
Idaho.....	65	128,381		3,166	125,071	144	
Illinois.....	249,337	56,251	54,675		815	557	204
Indiana.....	325,156	134,824	134,429		6	198	191
Iowa.....	71,013	19,466	19,356			110	
Kansas.....	242,942	81,394	55,587	24,951	1	626	229
Kentucky.....	242,689	193,323	193,037		12	70	204
Louisiana.....	155,530	176,862	133,358		40,076	2,615	813
Maine.....	2,213	571	377			10	184
Maryland.....	313,462	99,683	95,738		29	2,712	1,204
Massachusetts.....	127,428	19,818	14,506		2,869	2,031	412
Michigan.....	92,250	20,328	16,130	2,348	664	1,025	161
Minnesota.....	59,139	2,920	2,802		91		27
Mississippi.....	18,341	20,365	7,488		1,964	10,905	8
Missouri.....	245,385	128,625	77,106		51,355	115	49
Montana.....	1,787	8,416	6,507	1,548		360	1
Nebraska.....	78,244	51,574	50,490	20	2	1,062	
Nevada.....	15,254	30,135	206	6,673	23,256		
New Hampshire.....	2,839	237	241		26		
New Jersey.....	298,033	50,939	49,714		22	787	416
New Mexico.....	154,127	1,928,639	213,223	1,132,562	449,721	133,087	46
New York.....	309,048	141,907	137,438		441	1,392	2,636
North Carolina.....	125,630	153,195	142,604		5,622	272	4,697
North Dakota.....	981	314	304			10	
Ohio.....	204,960	33,650	33,320			315	15
Oklahoma.....	84,919	157,792	74,718	51,269	31,224	571	10
Oregon.....	42,751	18,743	11,168	7,160	65	350	
Pennsylvania.....	294,305	54,476	38,751		11	15,201	513
Rhode Island.....	2,514	438	175		39	15	209
South Carolina.....	42,783	56,452	53,649			2,793	10
South Dakota.....	28,313	21,452	12,611	1,201	7,631		9
Tennessee.....	273,666	109,975	108,997			818	160
Texas.....	461,241	559,815	417,472		9,629	132,358	356
Utah.....	135,512	545,721	48,447	435,819	55,680	5,767	8
Vermont.....	35	363	13			350	
Virginia.....	483,324	166,186	161,759		1,613	1,042	1,772
Washington.....	213,021	363,060	326,169	28,408	439	6,020	2,024
West Virginia.....	67,426	1,955	1,605			350	
Wisconsin.....	142,360	73,334	69,206		4	3,951	173
Wyoming.....	5	9,745	4,521	5,224			

¹ Land and improvements.

TABLE III.—*Department of the Navy, State distribution of real property controlled, as of Dec. 31, 1956*

	Cost to U. S. Gov- ernment ¹	Land area (acres)					
		Total con- trolled	Owned	Public domain	Temporary use	Leased	Ease- ments
Total.....	Thousands \$6,652,713	4,305,857	1,579,113	2,237,082	241,605	245,647	2,410
Alabama.....	12,178	4,418	3,260	-----	-----	1,158	-----
Arizona.....	9,105	1,043	658	-----	219	166	-----
Arkansas.....	119,543	69,421	69,376	-----	-----	28	17
California.....	1,556,045	2,762,442	484,146	1,857,029	207,008	213,591	668
Colorado.....	11,370	62,685	3,515	59,168	-----	2	-----
Connecticut.....	43,785	877	786	-----	1	14	76
Delaware.....	8,351	121	121	-----	-----	-----	-----
District of Columbia.....	89,473	825	763	-----	62	-----	-----
Florida.....	353,901	108,000	69,334	15,865	6,760	15,745	296
Georgia.....	73,509	8,215	7,361	-----	5	847	2
Idaho.....	18,619	260	258	-----	-----	1	1
Illinois.....	121,422	2,946	2,916	-----	-----	15	15
Indiana.....	100,627	63,058	63,034	-----	-----	24	-----
Iowa.....	15,385	2,471	2,441	-----	-----	1	29
Kansas.....	32,705	4,708	4,662	-----	-----	46	-----
Kentucky.....	16,164	394	392	-----	-----	2	-----
Louisiana.....	51,500	10,909	8,835	-----	-----	2,074	-----
Maine.....	87,691	4,327	4,279	-----	-----	17	31
Maryland.....	345,946	22,839	22,680	-----	28	85	46
Massachusetts.....	205,184	9,399	9,334	-----	26	20	19
Michigan.....	73,686	1,412	1,377	-----	-----	35	-----
Minnesota.....	13,208	200	193	-----	-----	6	1
Mississippi.....	16,526	1,165	1,156	-----	-----	9	-----
Missouri.....	48,428	761	748	-----	-----	13	-----
Montana.....	477	3	-----	-----	-----	3	-----
Nebraska.....	83,371	48,854	48,830	-----	-----	24	-----
Nevada.....	87,289	535,835	331,889	203,940	3	3	-----
New Hampshire.....	2,142	59	56	-----	1	2	-----
New Jersey.....	278,565	41,963	20,572	-----	19,103	2,285	3
New Mexico.....	5,973	3,865	-----	-----	3,860	5	-----
New York.....	365,433	7,282	7,233	-----	10	35	4
North Carolina.....	223,142	148,920	148,865	-----	3	7	45
North Dakota.....	242	2	-----	-----	-----	2	-----
Ohio.....	58,053	563	355	-----	1	204	3
Oklahoma.....	105,757	46,266	46,261	-----	-----	5	-----
Oregon.....	29,801	3,109	2,591	134	1	376	7
Pennsylvania.....	394,209	5,716	5,587	-----	26	21	82
Rhode Island.....	213,492	7,367	7,296	-----	-----	12	59
South Carolina.....	112,950	23,493	23,285	-----	166	16	26
South Dakota.....	-----	7	-----	-----	-----	7	-----
Tennessee.....	59,788	3,865	3,814	-----	16	32	3
Texas.....	173,948	25,749	24,845	-----	-----	1,904	-----
Utah.....	34,829	92,315	846	91,465	-----	4	-----
Vermont.....	484	1	1	-----	-----	-----	-----
Virginia.....	655,261	120,784	109,915	-----	4,247	6,621	1
Washington.....	310,094	35,772	34,584	-----	59	153	976
West Virginia.....	29,584	664	658	-----	-----	6	-----
Wisconsin.....	3,274	25	5	-----	-----	20	-----
Wyoming.....	204	9,482	-----	9,481	-----	1	-----

¹ Land and improvements.

TABLE IV.—*Department of the Air Force, State distribution of real property controlled, as of Dec. 31, 1596*

	Cost to U. S. Gov- ernment ¹	Land area (acres)					
		Total con- trolled	Owned	Public domain	Temporary use	Leased	Ease- ments
Total.....	Thousands \$5,330,082	13,955,380	1,780,219	9,690,734	1,506,557	937,358	40,512
Alabama.....	127,536	14,538	9,855	—	562	2,222	1,899
Arizona.....	114,465	2,314,369	49,083	2,107,448	17,949	139,726	163
Arkansas.....	41,473	9,143	9,116	—	—	27	—
California.....	588,553	1,365,029	352,770	78,063	928,139	3,146	2,911
Colorado.....	44,952	73,161	72,717	—	—	440	4
Connecticut.....	12,895	80	78	—	—	2	—
Delaware.....	37,951	4,489	2,589	—	840	864	205
District of Columbia.....	24,013	665	640	—	21	4	—
Florida.....	320,831	639,124	496,479	136,420	2,628	2,900	697
Georgia.....	182,462	36,707	19,039	—	11,740	5,179	749
Idaho.....	33,036	949,685	2,336	886,069	7,478	53,726	76
Illinois.....	216,694	9,568	4,928	—	3,676	163	801
Indiana.....	53,214	5,751	5,217	—	—	113	421
Iowa.....	3,649	945	121	—	—	801	23
Kansas.....	211,023	47,532	46,004	—	30	400	1,098
Kentucky.....	19,863	4,066	3,517	—	69	14	466
Louisiana.....	114,546	37,897	26,043	—	7,634	1,714	2,506
Maine.....	215,995	131,917	13,622	—	92,947	23,199	2,149
Maryland.....	75,627	7,472	7,170	—	9	228	65
Massachusetts.....	166,042	31,351	8,996	—	393	20,569	1,393
Michigan.....	80,127	40,824	6,556	160	15,921	16,534	1,653
Minnesota.....	24,214	4,449	1,086	—	1,203	1,893	267
Mississippi.....	84,305	13,457	5,991	—	2,496	4,119	851
Missouri.....	58,991	6,492	3,145	—	10	2,300	1,037
Montana.....	30,772	4,058	2,977	—	90	492	499
Nebraska.....	81,208	7,786	3,603	—	636	2,738	809
Nevada.....	42,813	3,283,986	10,477	3,272,644	108	722	35
New Hampshire.....	34,215	9,330	7,478	—	46	1,351	455
New Jersey.....	75,201	3,395	3,287	—	8	99	1
New Mexico.....	114,723	1,489,660	21,069	1,104,198	5,105	354,668	4,620
New York.....	265,515	22,098	14,307	—	1,553	3,703	2,635
North Carolina.....	12,866	6,992	2,928	—	1,444	1,509	1,111
North Dakota.....	4,461	4,199	3,701	—	—	498	—
Ohio.....	343,222	15,325	14,339	—	—	166	820
Oklahoma.....	177,941	16,436	8,022	—	65	7,601	748
Oregon.....	11,028	96,931	58,729	37,345	179	635	93
Pennsylvania.....	50,734	4,154	1,389	—	1	2,750	14
Rhode Island.....	3,635	44	44	—	—	—	—
South Carolina.....	72,190	24,528	14,134	—	5	9,452	937
South Dakota.....	59,275	348,384	246,082	—	6,782	95,101	419
Tennessee.....	146,986	48,138	44,327	—	1,271	1,569	971
Texas.....	594,805	163,287	114,289	—	4,834	38,794	5,370
Utah.....	67,234	2,057,256	7,323	2,012,675	15	37,233	10
Vermont.....	9,313	13,082	12,623	—	—	415	44
Virginia.....	43,455	8,778	7,751	—	921	5	101
Washington.....	203,307	24,658	19,387	1,631	356	1,800	1,484
West Virginia.....	913	42	41	—	—	—	1
Wisconsin.....	11,379	2,561	89	—	1,393	1,079	—
Wyoming.....	20,425	551,511	14,734	54,081	388,000	94,695	1

¹ Land and improvements.*Temporary withdrawals become permanent*

Through a series of Executive and public-land orders promulgated and issued over the 6-year period from 1939 through 1945, more than 13 million acres of public lands were withdrawn and reserved for the use of the military and other branches of the Federal Government—

* * * for purposes incident to the various phases of the national emergency and the prosecution of the war; * * *.

In most of those orders, the intention was expressed that—

* * * after the termination of the emergency, the public lands should be returned to the jurisdiction, uses, and administration which existed prior to the withdrawal and reservation of such lands for purposes incident to the national emergency and prosecution of the war; * * *.

Apparently, in recognition of the purpose for which such lands were withdrawn initially, and in light of the declared intention to restore them at the end of the emergency, President Franklin D. Roosevelt, on February 28, 1945, caused to be issued Executive Order 9526. This order, after reciting the events leading up to the land withdrawals, renewed the statement of intention to restore, amended existing orders to revoke military jurisdiction thereover 6 months after termination of the then-existing war emergency, whereupon jurisdiction in the Department of the Interior and other administrative agencies would automatically revert.

The Executive order of February 28, 1945, is set out following:

EXECUTIVE ORDER 9526

AMENDING CERTAIN EXECUTIVE AND PUBLIC LAND ORDERS WITHDRAWING PUBLIC LANDS FOR PURPOSES INCIDENT TO THE NATIONAL EMERGENCY AND THE PROSECUTION OF THE WAR

Whereas by certain Executive and public-land orders more than 13 million acres of public lands have been withdrawn and reserved for the use of the military and other branches of the Federal Government for purposes incident to the various phases of the national emergency and the prosecution of the war; and

Whereas immediately prior to the issuance of such orders various executive departments and independent agencies of the Federal Government had primary jurisdiction over, interests in, needs and uses for, or administration of, certain portions of such public lands; and

Whereas because of the findings of necessity for the emergency use of such lands, the jurisdiction over, interests in, needs and uses for, and administration of those lands by such departments and agencies were subordinated to such emergency use; and

Whereas it is and has been the intention, as expressed in most of the orders, that after the termination of the emergency, the public lands should be returned to the jurisdiction, uses, and administration which existed prior to the withdrawal and reservation of such lands for purposes incident to the national emergency and the prosecution of the war; and

Whereas it is appropriate that, in future determinations of the public purposes for which such lands shall be used, reserved, or administered after the emergency, those departments and agencies of the Federal Government which had prior jurisdiction over, interests in, or administration of such lands should have restored to them such jurisdiction over, interests in, or administration of the lands as existed prior to the withdrawal and reservation of the lands for purposes incident to the national emergency and the prosecution of the war;

Now, therefore, by virtue of the authority vested in me as the President of the United States as set forth in the orders hereinafter enumerated, it is ordered as follows:

The Executive orders and public-land orders hereinafter enumerated, withdrawing and reserving public lands for uses incident to the national emergency and the prosecution of the war, are hereby amended by adding to each of the said orders the following paragraph:

"The jurisdiction granted by this order shall cease at the expiration of the 6 months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered."

Executive order numbers: (Omitted.)

Public-land order numbers: (Omitted.)

Any provision in any of the orders hereinabove enumerated which is in conflict with this order is hereby superseded to the extent of such conflict: *Provided, however,* That any provision for the earlier return of jurisdiction over the public lands in any of said orders shall remain operative.

THE WHITE HOUSE,

FRANKLIN D. ROOSEVELT.

February 28, 1945.

By the terms of the 1945 Executive order, Defense jurisdiction over the lands covered was to automatically revert 6 months after the termination of the unlimited national emergency.

The unlimited national emergency was terminated on April 28, 1952; the 6 months' period expired October 28, 1952.

At last count—February 20, 1956—a total of 49 of these "temporary" withdrawals, made between April 28, 1939, and August 25, 1945, and located in 10 States and Alaska, and embracing 11.8 million acres of land, were still in effect by virtue of what appears to be Executive "permissive action."

Present Executive withdrawal procedure

As stated above, the present authority to effect withdrawal or reservation of the public lands vests—on the basis of the implied or express Executive authority evolved in the manner set out earlier—in the Secretary of the Interior by virtue of a Presidential delegation of authority on May 26, 1952.

Under procedure developed pursuant to this delegation of authority, withdrawals are presently effected in this manner.

(1) The head of the requesting agency files application for withdrawal with local land office of Bureau of Land Management, Department of the Interior. Filing has the effect of temporarily segregating such lands from all forms of entry or disposition under the public-land laws—

* * * to the extent that the withdrawal * * * if effected, would prevent such forms of disposal.

(2) Applications are required to state among other things: name of agency; description and acreage; purpose of the request (except where classified for national security reasons); a statement showing

need for all the lands requested; a statement indicating whether the withdrawal should preclude grazing, mineral leasing, and mining locations of the affected lands; notice is given locally by Federal Register publication, or through press releases by State BLM supervisors.

(3) Secretary of the Interior may, in his discretion, afford public an opportunity to object to an application, publish notice to that effect, set hearing.

(4) If Secretary thereafter determines withdrawal should be made, he issues a public-land order to that effect, which is published in the Federal Register.

(5) If Secretary of the Interior objects on behalf of his own Department, or is unable to reconcile the wishes of a department opposing the request of another department, the matter is referred to the Bureau of the Budget for settlement.

Committee conclusions on the extent to which this procedure has operated and been employed with respect—

(a) to fulfilling the public lands policy aimed at achieving maximum multiple resource utilization, conservation, and development, consistent with the withdrawal purpose;

(b) to requiring establishment of a real need for the withdrawal by the requesting agency;

(c) to encouraging precise and limiting language in withdrawal orders, consistent with the withdrawal purpose;

(d) to informing private citizens and governmental subdivisions fully of the effect of the withdrawal; and

(e) to Congress fulfilling its responsibility under the property clause of the Federal Constitution—

will be found hereafter in this report.

Pending defense land applications: January 1, 1957

Table V, set out hereafter, reflects the location, area, and proposed use of lands for which applications were pending on January 1, 1957, with the Department of the Interior for lands to be withdrawn from the public domain.

Certain figures have been submitted to this committee representing acreages in applications for withdrawal of public domain lands filed by the military departments pending before the Department of the Interior as of January 1, 1957. In keeping with the provisions of H. R. 5538, the tabulation herein below presented reflects acreages only in excess of 5,000 acres. Pending applications (31 in number) for withdrawals of less than 5,000 acres each, aggregate approximately 15,800 acres.

The tabulation submitted by the Interior Department and set forth in panel B indicates that applications are pending totaling 9,447,210 acres. The facts are that these particular acreages have been the subject of withdrawal orders for many years, subject to a stipulation that the lands should revert to the jurisdiction of the Department of the Interior 6 months after the termination of the then unlimited national emergency. The Department of Defense same years ago requested that its jurisdiction and use be continued since the installations were actively utilized and it was contemplated that their use would be continued. The Interior Department granted the Defense

Department permission to continue its use of the lands until such time as a new public-land order could be issued deleting the proviso in the earlier withdrawal orders that provided for the return of the lands to the Interior Department. It is contemplated that this action will ultimately be taken.

SUMMARY

TABLE V.—*Pending applications for withdrawal of areas of public domain lands in excess of 5,000 acres by military departments (as of Jan. 1, 1957)*

A. PENDING IN STATES AND ALASKA

	Acres
Army Zone Interior.....	625, 169
Alaska.....	61, 925
Total.....	687, 094
Navy Zone Interior.....	¹ 4, 749, 140
Alaska.....	82, 718
Total.....	¹ 4, 831, 858
Air Force Zone Interior.....	681, 626
Alaska.....	2, 505, 035
Total.....	3, 186, 661
Total:	
Zone Interior.....	6, 055, 935
Alaska.....	2, 649, 678
Total.....	¹ 8, 705, 613

DEPARTMENT OF THE ARMY

State	Installation	Acres
Zone of Interior: New Mexico.....	Fort Bliss (McGregor Range).....	625, 169
Alaska.....	Fort Greeley.....	51, 400
	Fort Richardson.....	10, 525
	Total.....	61, 925

Total:	Acres
Zone Interior.....	625, 169
Alaska.....	61, 925
Total.....	687, 094

DEPARTMENT OF THE NAVY

State	Installation	Acres
Zone of Interior:		
California.....	Twentynine Palms Marine Base.....	442, 965
	Chocolate Mountain gunnery (S) range.....	147, 063
	Carrize bomb range.....	10, 325
	San Bernardino NAS.....	32, 701
	Mojave gun range B.....	373, 657
	Saline Valley.....	854, 299
	Total.....	1, 861, 010
Nevada.....	Sahwave Mountain gun range, Fallon.....	547, 906
	Fallon bomb range No. 20.....	21, 760
	Saline Valley gunnery.....	19, 584
	Black Rock-Sahwave.....	¹ 2, 026, 880
	Black Rock (Sulphur) Fallon.....	272, 000
	Total.....	¹ 2, 888, 130
Alaska.....	Islands (Kodiak, etc.).....	82, 718

Summary:	Acres
Zone Interior.....	4, 749, 140
Alaska.....	82, 718
Total.....	¹ 4, 831, 858

DEPARTMENT OF THE AIR FORCE

State	Installation	Acres
Zone of Interior:		
Arizona.....	Williams gun range.....	429,694
California.....	George AFB (Cuddeback).....	7,546
Nevada.....	Nellis gun range.....	46,080
	Nellis gun range (Las Vegas).....	36,306
	Total.....	82,386
Utah.....	Wendover range (Newfoundland Mountain).....	162,000
Alaska.....	Cape Romanzof.....	16,635
	Cape Lisburne.....	15,600
	Cook Inlet bomb and rocket range.....	2,472,800
	Total.....	2,505,035

Total:	Acres
Zone Interior.....	681,626
Alaska.....	2,505,035
Total.....	3,186,661

B. LANDS WHERE TEMPORARY USE PERIOD EXTENDED

[Areas of public domain lands in excess of 5,000 acres which were made the subject of withdrawal orders; authority expired upon termination of the unlimited national emergency in 1952; Interior authorized continued use by letter of Oct. 27, 1952; no pending applications]

Department of the Army.....	702,858
Department of the Navy.....	218,408
Department of the Air Force.....	8,555,944
Total.....	9,477,210

DEPARTMENT OF THE ARMY

Installation name	Executive order or public land order	Date issued	Net acres
Camp Irwin, Calif.....	Executive Order 8507..	Aug. 8, 1940	617,538
Fort Richardson, Alaska (including Elmendorf AFB).	Executive Order 8102..	Apr. 29, 1939	28,803
Do.....	Executive Order 8343..	Feb. 10, 1940	5,707
Do.....	Executive Order 8755..	Oct. 12, 1942	18,600
Do.....	Public Land Order 95..	Jan. 30, 1941	1,272
Do.....	Public Land Order 274..	Apr. 17, 1945	52
Total.....			54,434
Point Campbell ACS receiver site, Alaska.....	Public Land Office 265..	do.....	5,000
Deseret Depot activity, Toole, Utah.....	Public Land Order 15..	July 21, 1942	9,501
	Public Land Order 66..	Nov. 30, 1942	5,665
Total.....			15,166
Fort Greely, Alaska (Big Delta maneuver site).....	Public Land Order 255..	Dec. 15, 1944	10,720
Total.....			702,858

MILITARY LAND WITHDRAWALS

DEPARTMENT OF THE NAVY

Installation name	Public Land Order—	Date issued	Net acres	Remarks
Chocolate Mountain gunnery range, Northern (known as Camp Dunlap range), Calif.	281	May 29, 1945	218,408	Amended by Executive Order No. 893.

DEPARTMENT OF THE AIR FORCE

Installation name	Executive order or public land order	Date issued	Net acres	Remarks
Boardman precision bombing range, Oregon.	Executive Order 9000.	Dec. 26, 1941	640	To be added to letter Oct. 27, 1952.
Do.....	Executive Order 8651.	Jan. 23, 1951	36,041	
Do.....	Executive Order 9042.	Jan. 26, 1942	640	
Total.....			37,321	
Luke-Williams Air Force range, Arizona.	Public Land Order 56.	Nov. 6, 1942	949,000	Public Land Order No. 211 revokes 5 acres of Public Land Order No. 97; amended by Public Land Order No. 680.
Do.....	Executive Order 9215.	Aug. 6, 1942	640	
Do.....	Executive Order 8892.	Sept. 5, 1941	1,077,500	
Do.....	Public Land Order 97.	Mar. 16, 1943	149,100	
Total.....			2,176,240	
Thornbrough Air Force Base, Alaska.	Public Land Order 103.	Mar. 27, 1943	34,000	Amended by Executive Order No. 9018.
Nellis Air Force range, Nevada.	Executive Order 8578.	Oct. 29, 1940	3,101,840	
Do.....	Public Land Order 58.	Nov. 12, 1942	25,294	
Total.....			3,126,334	
Nellis rifle and pistol range annex, Nevada (formerly Sheep Mountain Range).	Public Land Order 8954.	Nov. 27, 1941	21,334	Returned to Interior 46,934 acres on Nov. 8, 1954.
Edwards Air Force Base, Calif.	Executive Order 8450.	June 20, 1940	60,732	Breakdown of disposal by Executive order not available.
Wendover Air Force Base range, Utah.	Executive Order 8579.	Oct. 29, 1940		
Do.....	Executive Order 8652.	Jan. 28, 1941		
Total.....			1,391,210	
Cook Inlet Air Force range, Alaska.	Executive Order 8872.	Aug 27, 1941	1,066,065	See Fort Richardson land covered by these 2 Executive orders originally withdrawn for Fort Richardson and transferred to Department of the Air Force. Breakdown by Executive order not available.
Elmendorf Air Force Base, Alaska.	Executive Order 8102.	May 1, 1939	(2)	
Do.....	Executive Order 8343.	Feb. 10, 1940	(2)	
Blair Lake Air Force range, Alaska.	Executive Order 8847.	Aug. 8, 1941	642,708	
Total.....			8,555,944	

¹ Includes 1,372,160 acres that were subsequently deleted from the application on Mar. 6, 1957.² See "Remarks."

DEFENSE AIRSPACE RESERVATIONS, INLAND AND OVER WATER

Indirectly, but significantly insofar as there is involved responsibility for maximum public resource development and utilization, the committee notes the statistical situation with respect to airspace reservations by reason of defense agency activities.

Inland airspace reservations

Figures compiled by the Civil Aeronautics Administration show that as of December 31, 1955, in excess of 103,000 square miles (approximately 66 million acres) of inland land or land and water within the United States is overlaid by airspace restrictions, i. e., reservations against general entry by nonmilitary aircraft primarily by reason of a defense activity in the restricted airspace or on the underlying land.

In addition, on the same date, some 6,300 square miles (3.9 million acres) of inland land or land and water within the United States was overlaid by airspace prohibitions for security reasons, i. e., where no aircraft entry is permitted.

It should be noted that overland restricted or similar areas are authorized by specific statutory authority, the Civil Aeronautics Act of 1938 (52 Stat. 977; 49 U. S. C. 401), as amended, and therefore have legal status within the continental limits of the United States.

While inland airspace reservations are of only collateral interest or concern to the committee, the effect of offshore reservations is of immediate concern.

Overwater offshore airspace restrictions

Prior to enactment of the Outer Continental Shelf Lands Act of August 7, 1953, there had been created overwater "warning areas" embracing a surface acreage of more than 287,000 square miles (183 million acres) seaward of the territorial water belt surrounding the United States, and on the Atlantic, gulf, and Pacific coasts. In this connection—and having in mind the statutory or legal status of overland "restricted" areas—it is significant to note that the regulations of the responsible airspace agency, the Airspace Panel, Air Coordinating Committee (Manual of Sept. 1, 1955, p. 8), in describing warning areas, declares [emphasis supplied]:

Warning areas are established for the same purpose restricted (danger) areas are designated; namely, to indicate that invisible hazards to aircraft exists within the area. But, while the activities are identical, restricted (danger) areas cannot be designated because the activities are being conducted outside of United States territorial waters and thus *there is no legal significance to the areas.*

Thus, absent other self-imposed restrictions, the committee takes the position that enactment of the Outer Continental Shelf Lands Act of 1953 operated to preempt the field from purely executive action in that Congress for the first time asserted sovereignty over the soil and seabed of the shelf, and provided both the sole means for disposing of mineral resources therein and the only procedure for protecting military airspace or surface requirements. Under the act, the

Secretary of the Interior is given authority to lease the OCS seabed to oil and gas and other minerals exploration; at the same time the Secretary of Defense, subject to approval of the President, is authorized to designate for defense purposes—and thus to close to mineral leasing activity—such offshore areas as are deemed necessary by Defense to carrying out of its mission.

Pursuant to the Defense authority, there have been designated, since August 7, 1953, by Defense and for restriction from mineral leasing—but not as of this date finalized through Presidential approval—overwater areas embracing a surface acreage aggregating 212,000 square miles (139.9 million acres).

For purposes of prospective subsurface mineral resource development, it is significant that there are included within the areas designated since August 7, 1953, approximately 6,500 square miles (10.1 million acres) of surface area overlaying outer Continental Shelf lands within the 100-fathom line, the so-called maximum practicable drilling depth in offshore waters under present drilling methods. In addition, but to an undetermined extent, some underwater shelf lands lying at depths of less than 100 fathoms, and surrounding islands beyond the 100-fathom line, are included in requested Defense restrictions. So much for pending designations under the Shelf Lands Act.

It is in light of the foregoing that the committee takes this position with respect to mineral leasing activity in the outer Continental Shelf lands: The Outer Continental Shelf Lands Act's provisions contain the only legal basis for restricting of mineral leasing operations therein, i. e., through Defense designation, followed by Presidential approval; at the same time the act directs the Secretary to proceed to lease for development, subject to the general provisions of the act. To the extent that military departments have asserted that the existence of pre-1953 warning areas operates today to close the underlying seabed to mineral leasing, the committee is in vigorous disagreement; to the extent that orders or publications by Interior or any other Federal agency "establishing" such warning areas prior to August 7, 1953, purport to restrict mineral development therein until revoked or modified, the committee believes that such purported restrictions were superseded with enactment of the OCS Lands Act of that date. The effect of this claim by the military is discussed under the heading "Blocking of Shelf Petroleum Development," page 54, post.

Tables VI, VII, and VIII below summarize existing offshore overwater range holdings, by agency, with additional requested areas which have been designated but not finalized shown as "Established subsequent to August 7, 1953."

TABLE VI.—*Department of the Army, air warning sites*

Reference No.	Designation	Controlling base	Computed overwater area				Airspace reserve No.
			Square miles	Total acres	Acres within 100 fathoms	Acres outside 100 fathoms	
1	Warning Area W-487, Montauk Point, N. Y.	First Army	27	17,280	17,280	0	W-487
2	Warning Area W-21, South Wellfleet, Mass.	do	32.5	20,800	20,800	0	W-21
	Total		59.5	38,080	38,080	0	

TABLE VII.—*United States naval overwater ranges*

	Computed overwater area			
	Square miles	Total acres	Acres within 100 fathoms	Acres outside 100 fathoms
Ranges along Atlantic coast				
Established prior to Aug. 7, 1953 (Public Law 212)	67,574	57,235,000	35,464,300	21,770,000
Established subsequent to Aug. 7, 1953 (Public Law 212)	7,680	6,505,000	0	6,505,000
Total	75,254	63,740,000	35,464,300	28,275,000
Ranges along gulf coast				
Established prior to Aug. 7, 1953 (Public Law 212)	16,210	13,780,000	11,070,000	2,710,000
Established subsequent to Aug. 7, 1953 (Public Law 212)	10,400	8,830,000	1,910,000	6,920,000
Total	26,610	22,610,000	12,980,000	9,630,000
Ranges along Pacific coast				
Established prior to Aug. 7, 1953 (Public Law 212)	161,056	135,039,500	1,851,500	133,188,000
Established subsequent to Aug. 7, 1953 (Public Law 212)	0	0	0	0
Total	161,056	135,039,500	1,851,500	133,188,000
Overall total				
Established prior to Aug. 7, 1953 (Public Law 212)	244,840	206,054,500	48,385,800	157,668,000
Established subsequent to Aug. 7, 1953 (Public Law 212)	18,080	15,335,000	1,910,000	13,425,000
Grand total	262,920	221,389,500	50,295,800	171,093,000

NOTE.—All ranges listed have been designated by Secretary of Defense on Aug. 19, 1955, with the exception of areas W-157A, W-281, W-158A, which have been originated subsequent to Aug. 19, 1955.

TABLE VIII.—*Principal Air Force ranges along Atlantic coast*

	Computed overwater area			
	Square miles	Total acres	Acres within 100 fathoms	Acres outside 100 fathoms
Ranges along Atlantic coast				
Established prior to Aug. 7, 1953 (Public Law 212)	9, 387	6, 006, 560	6, 006, 560	-----
Established subsequent to Aug. 7, 1953 (Public Law 212)	191, 238	122, 400, 600	6, 038, 400	116, 362, 200
Total	200, 625	128, 407, 160	12, 044, 960	116, 362, 200
Ranges along gulf coast				
Established prior to Aug. 7, 1953 (Public Law 212)	30, 515	19, 626, 400	15, 050, 720	4, 575, 680
Established subsequent to Aug. 7, 1953 (Public Law 212)	3, 400	2, 176, 000	2, 176, 000	-----
Total	33, 915	21, 802, 400	17, 226, 720	4, 575, 680
Ranges along Pacific coast				
Established prior to Aug. 7, 1953 (Public Law 212)	2, 700	1, 728, 980	1, 263, 240	465, 740
Established subsequent to Aug. 7, 1953 (Public Law 212)	-----	-----	-----	-----
Total	2, 700	1, 728, 980	1, 263, 240	465, 740
Overall totals				
Established prior to Aug. 7, 1953 (Public Law 212)	42, 602	27, 361, 940	22, 320, 520	5, 041, 420
Established subsequent to Aug. 7, 1953 (Public Law 212)	194, 638	124, 576, 600	8, 214, 400	116, 362, 200
Grand total	237, 240	151, 938, 540	30, 534, 920	121, 403, 620

NOTE.—All ranges listed have been "designated" by Secretary of Defense on Aug. 19, 1955, with the exception of areas W-497 A, W-497 B, W-497 C, and W-506 which have been originated subsequent to Aug. 19, 1955.

SUMMARY: PRESENT DEFENSE HOLDINGS, PENDING REQUESTS

The foregoing tables present a statistical picture of present Defense agency real property holdings, Defense agency requests pending for withdrawal of additional public domain lands, present Defense agency offshore overwater air warning areas (pre-August 7, 1953), and Defense agency pending requests for approval by the President of Defense-designated overwater restricted areas under terms of the Outer Continental Shelf Lands Act (post-August 7, 1953), summarized hereafter.

Present defense holdings

Agencies of the Department of Defense controlled, as of December 31, 1956, a total of 27,074,215 acres of land within the 48 States, representing a cost (land and improvements) to the United States of more than \$19 billion.

All three military departments—Army, Navy, and Air Force—control some land in each of the 48 States, with total Defense acreages ranging from a high of 5.4 million acres in California to a low of 1,883 Defense-controlled acres in the District of Columbia. Smallest

acreage held by a single military department in any one State is the 1 acre controlled by the Navy in Vermont, while the largest single installation is the Air Force's 3.7 million acre (of which the Atomic Energy Commission now controls some 700,000 acres) Nellis-Tonopah range in Nevada.

Of the total acreage held, 15.2 million acres are withdrawn or reserved public domain lands.

Not shown in the tables above are the approximately 3.1 million acres of public domain lands controlled by Defense in Alaska, for which land and improvement cost figures were not tabulated, but which bring the 48 States-Alaska holdings of Defense to 30,664,887 acres.

Statistical comparison of lands controlled

Land controlled (exclusive of lands held for civil functions of the Corps of Engineers) by agencies of the Department of Defense today, totaling in the 48 continental States alone 27.1 million acres, or 42,303 square miles, amounts to—

A strip of land approximately 14 miles in width from New York to San Francisco;

An area larger than the entire State of Ohio (41,222 square miles), or Kentucky (40,385 square miles), or Tennessee (42,244 square miles); or

An area 20 times the size of Delaware (2,057 square miles), 8 times the size of Connecticut (5,009 square miles), 5 times the size of Massachusetts (8,257 square miles), or 613 times the size of the District of Columbia.

Put another way, Defense landholdings amount to nearly six-tenths of an acre of real property for each of the estimated 47 million families in the United States.

These figures do not include the Connecticut-size Defense holdings in the Territory of Alaska, amounting to more than 3 million acres.

Total of holdings and requests

If present withdrawal applications are approved without reduction, and assuming no control-acquisition by other means, total Defense Department holdings in the United States and Alaska would amount to 35,779,828 acres.¹

Rate of military land acquisition

The basic reason for concern of the Committee on Interior and Insular Affairs with respect to existing and proposed military land acquisitions can perhaps be best understood when reference is made to the rate of military land acquisition just prior to action being taken by congressional consideration of the subject.

During the 18-month period from January 1, 1954, to June 30, 1955, according to statistics compiled from Defense reports submitted to the committee during its hearings in the 84th Congress: the Army acquired control of 2,176,512 acres of land and the Air Force 3,775,725 acres, while the Navy reduced its total holdings by 1,781,616 acres. Thus, the net acquisition figure for the 18-month period, for the 3 military departments, amounted to 4,170,621 acres.

¹ Includes 1,372,160 acres deleted from the Navy's pending Black Rock-Sahwave, Nevada, withdrawal request.

Boiled down to 547 days, or 13,028 hours, or 781,680 minutes for that 18-month period this means that defense agencies were adding to their landholdings at the rate of 7,622 acres per day, 317 acres per hour, or—more than 5 acres per minute every minute of the night and day for 547 days.

Pending on June 30, 1955, were requests for 8.7 million acres additional in the States-Alaska. Assuming approval of those applications during the 18-month period between June 30, 1955, and January 1, 1957, the rate of defense agency public land acquisition alone would have been in excess of 11 acres per minute for the 18-month period.

As a result of a requested freeze on applications—as indicated in the following section—acquisitions during the past 18 months through withdrawal of public domain, for all 3 military departments, have amounted to approximately 40,000 acres.

Action taken to block withdrawals

As the committee reported to the House on July 21, 1956, 2 of the applications pending as of July 1, 1955, a Navy request for some 2.8 million acres in the Black Rock-Shawave area of northwest Nevada and the Navy request for approximately 880,000 acres in the Saline-Panamint Valley areas (southeast central California-southwest Nevada) generated extreme controversy in the areas affected. Both were based on a declared need for lands for gunnery purposes; both proposed to close the lands involved for an indefinite period to all forms of resource entry—grazing, mining, mineral leasing, hunting and fishing, game management, materials removal, recreation, etc.

On October 29, 1955, after consultation with ranking committee members on both sides, the committee chairman, Representative Engle, addressed a letter to the Acting Assistant Secretary of the Interior for Public Land Management, Wesley A. D'Ewart, which said, in part:

* * * * *

* * * Since the use of the public-domain land areas of the United States comes squarely within the jurisdiction of my committee, I intend to initiate an investigation into the use of these lands for defense purposes immediately after the convening of the second session of this Congress. The purpose of the inquiry will be to determine whether all of these public military reservations are needed, and used, and whether or not it wouldn't be possible for the services to make joint use of some of these facilities, thereby limiting their area and number. * * * In the light of the intensive study we intend to give this matter, I am in hopes you will withhold your approval of any further withdrawals of public lands for military reservations, or extensions of existing reservations, until we get a chance to take a good look at the situation. * * *

In a letter to the chairman, dated November 4, 1955, Secretary D'Ewart stated that the Department of the Interior would withhold approval of further withdrawals in accordance with the request of Chairman Engle, and expressed the belief that an effort should be made to initiate such hearings as early in January as possible.

FULL COMMITTEE HEARINGS, 84TH CONGRESS

On 12 hearing days, beginning on January 4, 1956, and ending May 28, 1956, the House Committee on Interior and Insular Affairs compiled its hearing record on policies and procedures affecting the withdrawal and utilization of the public lands of the United States by agencies of the Department of Defense.

Extensive testimony was heard from spokesmen for the Defense Department, as well as the Departments of the Army, Air Force, and Navy, and the Department of the Interior, on a broad basis: overall policies and procedures, as well as the statistical picture of Defense holdings; pending applications; the degree of the inter-agency joint utilization; cooperation of requesting agencies with State and local officials and private citizens in the areas affected by proposed withdrawals, and extent to which regulations and control procedures presently in effect require periodic utilization reports; and related subjects.

The committee heard detailed testimony from spokesmen for the Office of Naval Petroleum Reserves with respect to that Office's assertion that it was mandated to explore for petroleum on San Nicolas Island off the coast of California; from the Bureau of Land Management on its role in public-land administration; from the Atomic Energy Commission with respect to the expansion of the Nevada testing site within the Nelis-Tonopah range, Nevada, and other expansion plans; from the United States Fish and Wildlife Service, and spokesmen for official State agencies on water resources, grazing, recreation, fish and game, mining and mineral leasing, and related resource problems.

Finally, making an invaluable contribution to understanding of the impact and complexities involved in operation of present withdrawal policies and procedures, the committee heard testimony from, or received for the records, statements on behalf of numerous national, regional, and local organizations dedicated to the several phases of multiple resource use of our public lands; a list of these organizations is included hereafter.

On April 10, 1956, there was introduced, as a result of the tentative conclusions reached by the committee based on the testimony heard up to that time, H. R. 10371, together with a dozen identical, or substantially identical bills.

Hearings on H. R. 10371, and on amendments incorporated on the clean bill reported, H. R. 12185, involved 6 days of the committee's time, in addition to the 12 days of general hearings.

Support for the legislation, 84th Congress

During consideration of predecessor legislation in the 84th Congress, the committee received unprecedented support therefor—from official State agencies of 39 States, from all major national conservation agencies, from numerous local groups, organizations, and individuals.

The list of official State agencies declaring their support of the measure reported and passed by the House in the 84th Congress, H. R. 12185, and urging its early enactment is as follows:

Alabama Department of Conservation
Arizona Game and Fish Department

Arkansas Game and Fish Commission
 California Department of Fish and Game
 Colorado Game and Fish Department
 Delaware Game and Fish Commission
 Florida Game and Fresh Water Fish Commission
 Georgia Game and Fish Commission
 Idaho Department of Fish and Game
 Illinois Department of Conservation
 Kansas Forestry, Fish, and Game Commission
 Kentucky Department of Fish and Wildlife Resources
 Maine Department of Inland Fisheries and Game
 Maryland Game and Inland Fish Commission
 Massachusetts Division of Fisheries and Game
 Michigan Department of Conservation
 Mississippi Game and Fish Commission
 Missouri Conservation Commission
 Montana Fish and Game Department
 Nebraska State Game Forestation and Parks Commission
 Nevada Fish and Game Commission
 New Hampshire Fish and Game Department
 New Mexico Department of Game and Fish
 New York Conservation Department
 North Carolina Wildlife Resources Commission
 North Dakota Game and Fish Commission
 Ohio Division of Wildlife
 Oklahoma Game and Fish Department
 Pennsylvania Fish Commission
 South Dakota Department of Game, Fish, and Parks
 Tennessee Game and Fish Commission
 Texas Game and Fish Commission
 Utah Department of Fish and Game
 Vermont Fish and Game Service
 Virginia Commissions of Game and Inland Fisheries
 Washington Department of Game
 West Virginia Conservation Commission
 Wisconsin Conservation Department
 Wyoming State Game and Fish Commission

A partial list of the associations or organizations who went on record in support of the bill which the House previously passed—by letter, telegram, or personal appearance before the committee—is as follows:

Alaska Miners' Association
 Alaska Sportsmen's Council
 American National Cattlemen's Association
 California Federation of Women's Clubs
 California Wildlife Federation
 Chamber of Commerce of the United States
 Conservation Federation of Missouri
 Defenders of Furbearers, Inc.
 Desert Protective Council
 Idaho Association of Public Lands Counties
 Idaho Public Lands Committee
 Imperial Valley (Calif.) American Legion Inter-Post Council

Interstate Association of Public Land Counties
Izaak Walton League of America, Inc.
Lassen County (Calif.) Board of Supervisors
Massachusetts Conservation Council
Michigan Natural Areas Council
Mohave County (Ariz.) Board of Supervisors
Montana Association of County Commissioners
National Council of State Garden Clubs
National Lumber Manufacturers Association
National Parks Association
National Advisory Council of Taylor Grazing Boards
National Wildlife Federation
Nevada Association of County Commissioners
New Mexico Cattle Growers' Association
New Mexico Game Protective Association
North Dakota Wildlife Federation
Oregon Association of Oregon Counties
Oregon Cattlemen's Association
Outdoor Writers' Association
Ouray (Colo.) Grazing District Advisory Board
Pershing County (Nev.) Chamber of Commerce
San Diego (Calif.) County Wildlife Federation
Sierra Club
Teton County (Wyo.) Board of County Commissioners
Toledo (Ohio) Naturalists' Association
Trailfinders, The
Western Oil and Gas Association
Wilderness Society, The
Wildlife Management Institute
Wisconsin Federation of Conservation Clubs

H. R. 12185 passed the House on Consent Calendar on July 26, 1956.

The record of the printed hearings is contained in committee prints, serial Nos. 29 and 32, 84th Congress, and because of the scope of those hearings, it was not deemed necessary or desirable to duplicate in the 85th Congress witnesses and presentations heard and made in the 84th Congress, other than those from departments affected.

FULL COMMITTEE HEARINGS, 85TH CONGRESS

On 6 hearing days beginning on January 23, 1957, and ending February 6, 1957, the House Committee on Interior and Insular Affairs compiled its hearing record on H. R. 627, the base bill reported as the clean bill H. R. 5538.

Witnesses from the Department of the Interior, and spokesmen for Defense, Army, Navy, and Air Force Departments brought the committee up to date on the very substantial progress—as hereinafter indicated—made in the direction of meeting administratively the requirements that the legislation reported would impose statutorily. In addition, spokesmen from the General Services Administration and for the Office of Naval Petroleum Reserves appeared to comment on provisions of the proposed legislation affecting their activities.

Following presentation by these witnesses, and a number of staff conferences with various representatives of affected departments, the

committee sat for 4 additional days between February 7, 1957, and March 1, 1957, in executive session developing the language approved by the committee for House consideration. After the bill was unanimously ordered reported on the latter day, the committee staff again met on several occasions with Defense and Interior representatives for the purpose of reconciling, to the maximum extent possible and for inclusion in this report, statistical matter presented by both during the hearings.

In all then, during the last session of the 84th Congress and the early part of the first session of this Congress, the full committee devoted 28 days to detailed consideration of the predecessor and reported legislation.

Defense Department control procedures

In its 1956 report, the House committee, with respect to Department of Defense real property control procedures pointed to very substantial deficiencies.

The conclusions of the committee with respect to Defense real property control procedures prior to August 27, 1955 (as set out at length in the 1956 report on H. R. 12185, 84th Congress), are concisely summarized in the response of the spokesman-witness for the Secretary of Defense who, in response to a question as to whether there were in existence prior to that date policy directives requiring periodic review of Defense land utilization, replied:

There was a policy as to disposal. There was no policy for a full review; * * *.

From the testimony of Defense witnesses in 1956, it was made clear that until August 27, 1955—on which date the three military departments held some 30 million acres of real property in the States and Alaska and were asking for more than 8 million additional acres—the Department of Defense had not had in effect any directives requiring such periodic reports by the Army, Navy, and Air Force as would lay a base for a measured, intelligent, independent judgment on the part of Defense officials as to the need for withdrawing additional public lands for any defense purpose. On that date there was promulgated a directive which, the committee was told, will result in—

* * * a complete review being made within each 2 years of all real property under the control of the military departments. Under the terms of this directive no property may be retained without complete justification of the requirement for it. Reports of the studies made are forwarded to the Secretary of Defense. The first reports under this directive are now being received and by September of this year reports are due on all properties.

Further, with holdings in the 48 "continental" States alone representing a Federal investment of more than \$18.2 billion for land and improvements, the committee reported that the Department of Defense had, prior to the date of its directive—and relying on the asserted need by each of the military departments for additional lands—approved applications for withdrawal of the additional 8 million acres of land, and was urging Interior to issue the necessary withdrawal orders.

The committee did not know as of July 21, 1956—the date on which H. R. 12185 was reported—whether military lands held were in fact being fully utilized, nor was it able to determine the need for additional acquisitions, but one thing was apparent: Neither the Secretary of Defense, nor the Secretaries of the Army, Navy, or Air Force could have, on that date, known whether full utilization was being made. Referring to the August 1955 directive, the committee last year observed:

In view of the posture of this apparently initial effort toward instituting a full, coordinated, control procedure for evaluating public land acquisition applications, it does not appear that additional areas should be added to Defense Department real property holdings—except in cases of most urgent necessity, and then subject to findings thereafter made—until all initial reports have been received, evaluated, and related to pending and proposed applications.

The soundness of the committee's position appears to have been more than borne out by what has transpired in the 12-month period since Defense witnesses closed their presentation on predecessor legislation to the reported measure.

Improved property found excess

Responsibility for the Defense program—under the 1955 directive—relative to review of real property holdings under military control is assigned to the Real Property Management Directorate of the Office of the Assistant Secretary of Defense (Properties and Installations).

The magnitude of the tasks facing that office in this virgin Defense land utilization effort can best be understood through a readily available statistical comparison. During the 30-month period July 1, 1954, to December 31, 1956, the Department of Defense reported to the General Services Administration—responsible for disposition of surplus Federal property—declarations of excess improved real property totaling 68,662 acres which had cost, with improvements, \$164.7 million.

Thus, the excess property declarations for that period averaged about \$60 million worth of property annually.

By way of comparison: with approximately 66 percent (see table IX below) of the utilization reports in, on a total of 2,153 Army, Navy, and Air Force installations and properties, and with approximately only one-half of those evaluated, Defense has found that 1,056,083 acres of land, together with improvements costing \$345.2 million (industrial property, \$220 million), are excess to the requirements of the military department having custody and control.

Put another way, if evaluations and findings on the one-third of the reports processed to date are representative, it may ultimately be found that the 3 military departments between them have more than 3 million acres of improved property, which initially cost more than \$1 billion, excess to the needs of the holding agency.

Table IX, following, shows the status of real property studies by Defense pursuant to the August 1955, property utilization directive, as of March 31, 1957, while table X shows an acreage and cost break-

down, by military department of real property recommended to be excess to the needs of the controlling department:

TABLE IX.—*Status of real property studies pursuant to DOD Directive 4165.20, as of Mar. 31, 1957*

Military departments	Scheduled to be submitted	Submitted as of Mar. 31, 1957	Remaining to be submitted	Evaluated by OSD	Balance to be evaluated by OSD
Army.....	470	443	27	310	160
Navy.....	982	743	239	289	693
Air Force.....	701	701	0	320	381
Total.....	2,153	1,887	266	919	1,234

TABLE X.—*Real property recommended as excess to holding military department*

[Breakdown by military departments of figures reported in the statement presented to the House Committee on Interior and Insular Affairs by Mr. Fred H. Rooney, with respect to real property recommended to be excess to the needs of the department having custody and control]

	Number of acres	Original cost including improvements
Department of the Navy.....	¹ 17,340 44	¹ \$169,601,672
Department of the Army.....	² 74,713 04	² 128,663,668
Department of the Air Force.....	³ 964,029 62	³ 46,935,696
Total.....	1,056,083.10	345,201,036

¹ Includes industrial plants located on 1,304.93, acres of land, representing a total cost of \$115,068,046, recommended to be sold subject to a national security clause.

² Includes 66,818.77 acres representing a total cost of \$23,173,170 of nonindustrial type property.

³ No industrial facilities recommended to be excess in the above.

Progress in reports evaluation

Defense witnesses conceded that earlier estimates of time required for receiving and evaluating utilization reports were unduly optimistic. It was believed that by January 1, 1957, the basic study would be completed. Testimony this year indicates why it was not possible to meet this target date: one military department found it necessary or desirable to conduct a 6-week indoctrination course on review and reporting techniques of this program and many of the reports first received from the military departments were found inadequate and had to be returned to station level for clarification and/or supplemental information.

By way of further accounting for delay, it should be pointed out that Defense—not too surprisingly—has learned that it is necessary to make special studies of total capacities of, and overall requirements for, entire categories of properties in order to determine whether individual holdings within such categories should be retained. This approach is in sharp and gratifying contrast to the practice attested to by Defense witnesses last year which, stripped down was this: if a military department requesting additional land was asked by Defense “Do you need it and are you using what you have?” and the requesting department replied: “Yes, we do, and we are,” that was the end of Defense “review.”

With respect to “Defense review” of military department written requests for additional lands, the top witness for Defense last year had this to say [emphasis supplied]:

Sir, the paper that comes to us is signed by the Secretary of the military department involved. It has been approved by him. That is signed by him or his designee, and the figures have been approved by his staff, and by his experts. *In the Office of the Secretary of Defense, we are not expert in that field and while we may question and ask them to restudy and recheck, in the final analysis we must accept their figures in those records.*

It will readily be seen that progress to date under the New Look has far exceeded the hopes or expectations of its most ardent advocates.

Standards for urban, port facility, airfield, and training camp property retention

Several other projected activities growing out of studies to date deserve reference here, in that it appears Defense is meeting head on the problem of finding ways and means of substantially reducing its own outlay of Federal funds expended for, and on real property, and at the same time markedly reducing the degree of damage to the local tax economy, growth, and development in principal centers of military activity.

What follows is taken directly from Defense testimony.

1. *Urban military installations.*—The Department of Defense has reported that a serious deterrent to the disposition of real property is the inability to plan disposals and replacement acquisitions on a concurrent basis. Many military installations which are serving essential missions are sited in areas which have become the center of urban development. The dollar value of these Government holdings has multiplied many times. In most of these instances the mission could be accomplished more effectively in a less congested, and substantially less costly location. The problem is that such property is generally retained because of a lack of assurance that the necessary authority and funding for the acquisition of replacement property will be obtained at some future date.

To correct this situation, the Department of Defense is developing legislation to authorize the disposal of high-priced property and the use of a part of the proceeds of sale to acquire less expensive replacement property, when required. Use of such proceeds would be authorized by the Director of the Bureau of the Budget on a case-by-case basis only after he has determined that a justifiable net return to the Government will be realized from the sale of the property to be replaced.

The proposed legislation will result in substantial returns to the Treasury, will reduce operating and maintenance costs, will increase local revenues through additions to the tax rolls, and will permit local communities to devote such property to its highest and best uses.

The Department of Defense is to be commended for this undertaking. In its report to accompany H. R. 6024, 84th Congress (H. Rept. No. 2203), which as Public Law 894 operated to restore to the Territory of Hawaii certain lands held for many years within the Fort Armstrong Military Reservation, Honolulu, the House Interior and Insular Affairs Committee made this observation concerning historic military establishments being maintained in the heart of urban business, residential, or industrial areas:

* * * it is apparent that the Military Establishment has not in all instances recognized that, concurrent with its asserted expansion requirements, there exist matching expansion demands for the civilian economy and domestic population growth. It is clear that the latter dictates a need for continuing reevaluation of Defense holdings, particularly in heavily urbanized areas, and that the time to initiate such reevaluation is now.

When there is a collision between military and civilian requirements, it would seem that the measure must be "highest and best use." If this premise is sound, then tax-exempt parade grounds, baseball diamonds, and general recreation areas—together with frequently limited horizontal housing facilities making them desirable or necessary—in the midst of heavily urbanized areas must be considered as relocatable when vertical civilian development and industrial expansion abutting such areas establish the need for application of a higher and better-use yardstick, including the possibility of unlocking real property tax potential.

That report pointed to the fact that the island of Oahu, embracing the city and county of Honolulu, is the site of 28 major military establishments. At least five of these—Fort Armstrong, Fort De Russy, Fort Ruger, Bellows Field, and Sand Island—appear to fall within the policy statement of Defense regarding installations in highly urbanized areas.

Reference has also been made in the past to such areas as the Army's Presidio, at San Francisco, which embraces more than 2 square miles (1,369 acres) out of the 28 square miles (when State-owned property is deducted) which comprise the city and county of San Francisco's tax base.

2. *Industrial plant holdings.*—The Department of Defense also is proposing legislation to authorize the disposal of industrial plants which are not excess to military requirements.

There are nearly 300 industrial production facilities under the custody and control of the military departments. These facilities cost the Government approximately \$10 billion, and if they were replaced today probably would cost twice that much. They are in varying degrees of use. Many employ only a small percentage of their potential, while others are being operated close to their capacity. Because these facilities are required to produce military end items they cannot be reported and disposed of as excess property pursuant to existing legislation.

Studies conducted recently indicate that there are at least 100 such plants costing in the neighborhood of \$1.5 billion which could be sold to private enterprise under certain conditions. The basic conditions are that the purchaser be a qualified producer of those military goods for which the plant is being held and used, and that the production capacity of such plants be made available for military purposes if and when it is required. The Department of Defense estimates that sales of such property should return to the Treasury between \$400 million and \$500 million. The return of such plants to the tax rolls also would benefit local economies.

The Department of Defense is to be commended for initiating such far-sighted legislation.

3. *Army training camps, Navy training-testing ranges.*—Defense has requested Army to establish a board of general officers to review and recommend current and future requirements for training camps with consideration given to the most recent mobilization concepts and technological advances. Training camps presently held comprise 3,842,271 acres of land and cost originally \$1.8 billion. Such a comprehensive study, Defense believes, is the only practical means of determining which, if any, of the individual camps are no longer required.

Similarly, Navy—which is currently requesting additional lands totaling 5.1 million acres of public domain alone—has been requested to furnish more detailed and specific information relative to its existing training and testing ranges.

4. *Military port terminals.*—Studies of military port terminals are being made at the direction of Defense in order to determine the extent to which military cargoes can be handled by private enterprise and which, if any, port facilities currently held by military departments can be disposed of subject to protective covenants.

5. *Military depot system.*—Analysis is being made of the entire military depot system by the Office of the Assistant Secretary of Defense for Properties and Installations, in conjunction, with the counterpart Office for Supply and Logistics, for the purpose of achieving maximum cross-service utilization and assuring that all nonessential space is eliminated.

6. *Military airfields.*—Defense is initiating studies of all airfields controlled by the military departments in order to identify those that are outmoded and those which cannot economically be expanded, as well as those which should be disposed of for other than airport purposes.

Committee conclusions, comment

The committee recognizes, with the Department of Defense, that maximum results relative to review of all real property holdings under military control will not be achieved until final reports are in on all installations from all military departments, and until regulations have been effected to correct serious control deficiencies already established as existing. The principal concern of the committee—effecting of policy to assure in Defense operations establishment of a sound Federal policy looking to highest and best utilization of a very substantial area of the public lands of the United States—has not to date been satisfied at the Defense level. The committee nevertheless believes one major achievement is apparent: It appears that for the first time a central office of the entire Military Establishment has assumed its proper role in real property management, control, review, and utilization.

The Defense Department, through the Office of the Assistant Secretary of Defense for Properties and Installations, has, in the committee's view, launched a program which—if retained as a function at the Defense level—will result in multimillion dollar savings to the Federal taxpayer through reduction in direct Defense expenditures for management and upkeep of property not needed, not used, and not

presently subject to local taxation or available to meet expansion requirements brought on by reason of growth of the community in which located.

With what appears to be modest personnel staffing (20 people), and with a number of other responsibilities, the Directorate of Real Property Management has established a sound base, for the first time, for weighing at the central Defense level, the merits of military department requests for additional acquisitions; has developed criteria which should serve as "self-help" yardsticks for measurement, within the military departments, of current use and future planning; has provided bases for insisting on joint utilization, by a military department requesting land, of property already held but not fully utilized by another such department; and finally, and perhaps most important, it has given at least paper assurance that the entire Military Establishment will be much better geared, in advance of emergency mobilization, to know with some precision what it will require in the way of real property. Put another way, steps already taken at the Defense level hold the promise that there will be no repetition on some future mobilization day, if that should come, of the 800-percent increase in military real property holdings which came within 3 years after the outbreak of World War II.

The Department of Defense is to be commended for undertaking—under the directive of August 27, 1955—a comprehensive review concerning the utilization of and the requirements for military real property holdings. During the first 18 months of this program, approximately 1 million acres of land, together with improvements costing \$473 million were identified as tentatively excess. This accomplishment can best be evaluated by the following comparison. During the 30-month period July 1, 1954, to December 31, 1956, only 68,662 acres of land with improvements costing \$164 million were reported as excess to the General Services Administration, an average of about \$65 million annually.

However, despite this progress, Department of Defense representatives were concerned with the magnitude of the task of holding real property to a minimum and at the same time providing for the accomplishment of military missions. It was pointed out that technological advances, new weapons system, and new concepts of their employment, inevitably result in new requirement characteristics.

While recognizing that substantial results have been obtained during the past 18 months, the committee wishes to emphasize the importance of maintaining policies, standards, and criteria governing retention, utilization and disposal of real property on a current basis so that imbalances between holdings and requirements will not exist as the result of technological advances and new concepts. It is understood that the Department of Defense is in the process of revising the directive of August 1955, to accomplish the foregoing.

If enacted, the measure herewith reported will serve to backstop the monumental progress made in Defense real property acquisition and utilization matters in the past 18 months. Reference hereafter to several items of unfinished business—particularly with respect to the degree of multiple use of existing holdings—should serve to further delineate the need for enactment of congressional control legislation at the earliest practicable date.

UTILIZATION REVIEW BY MILITARY DEPARTMENTS

The House committee, in its 1956 report on predecessor legislation to that herewith reported, observed that—

With or without Defense directives, it appears that the Departments of the Army, Air Force, and Navy, on their own motion, would have seen fit long before 1955 to institute utilization review procedures on a periodic basis at the departmental level. The committee record fails to reveal wherein any of the three military departments had so acted prior to 1955.

It does appear that in May 1955, the Air Force initiated a comprehensive reports control procedure aimed at supply in the Department with a continuing, built-in basis for determining the justification for retention of existing holdings, or acquisition of new holdings.

As indicated above, the committee last year expressed its firm conviction that (1) no additional applications for land acquisition, except in case of most urgent necessity, should be approved pending completion of such studies; (2) Defense agency policy had been, almost without exception where public lands were involved, to insist on withdrawals from all forms of public use—this notwithstanding the fact that in many instances substantial multiple-resource utilization and development would have been entirely compatible with the proposed military use; and that (3) the Defense Department had demonstrated that it was either unwilling or unable to insist that the military departments conform their real property activities to such standards as Defense should develop.

Again, the record made in the 85th Congress—in view of what has transpired in the interim—demonstrates the soundness of a very substantial portion of the committee's 1956 findings and conclusions.

Reference to what one military department, the Department of the Air Force, discovered with regard to its own military lands policy through internal and detailed analysis of that policy made after its appearance before the committee in 1956 will, the committee believes, serve to support the statement made in the preceding paragraph.

Air Force landholdings, before and after

On January 1, 1956, employing the adjusted figures contained in tables I, IV, and V, above, the Department of the Air Force controlled 14,447,409 acres of real property in the continental United States, plus in excess of 3 million acres (not included in the tabulations above) in Alaska. On the same date, it was seeking approval of pending applications embracing an additional 3.3 million acres in the States and Alaska.

With the close of its testimony on January 6, 1956, the Air Force had made a record which, summarized, found Air Force witnesses declaring with respect to its 14.4 million acres of land that—

(1) The Air Force is using what it holds, and is constantly reviewing its requirements for large landholdings;

(2) The Air Force does permit multiple use, to include grazing, wherever practicable; and

(3) The Air Force does permit fishing and hunting by the public, wherever practicable; and

(4) That, with respect to possible joint use by the Navy of the Air Force's sprawling (3.7 million acre) Nellis-Tonopah range in southern Nevada, or return to the public domain, Air Force witnesses declared "Not in the foreseeable future * * *."

USAF Weapons Range Board report

On January 11, 1956, the Chief of Staff of the Air Force appointed what was designated as the United States Air Force Weapons Range Board for the purpose—

* * * reviewing and determining the current and future USAF bombing, gunnery, rocketry, and missile range requirements for training, testing, proficiency and development purposes.

On October 9, 1956, the Board submitted its report, signed by Maj. Gen. Leland S. Stranathan, Chairman, and by the following members: Maj. Gen. Edward H. Underhill; Brig. Gens. Kurt M. Landon, William E. Rentz, Charles M. McCorkle, William E. Blanchard, Avelin P. Tacon, Jr., and Arthur C. Agan, Jr.; Col. Joseph F. Brannock; and Lt. Col. David F. MacGhee, the latter as recorder.

While the bulk of the report remains classified, the matters germane to this legislation are unclassified.

Stranathan Board report findings

Because the Stranathan Board report findings represent, in the committee's review, as critical and pointed self-analysis by a Federal agency of its internal workings as has come to the attention of the committee, a summary of the report's unclassified findings are deemed germane to this report.

The Air Force controls a total of 59 ranges in the 48 States and Alaska. Forty-one overland (38 States, 3 Alaska) embrace 14.2 million acres of land; the balance, 18, are overwater ranges.

1. *Finding, range instructions.*—As to adequacy of instructions governing ranges, the Board found them—

* * * incomplete, obsolete, and complex. Specifically * * * they do not * * * contain data on new weapons, trajectories, safety distances, etc., which would permit field commanders to determine the operational limitations for the safe employment of nonstandard ranges. * * * Provisions for periodic review and revision to assure currency of the existing publications is either weak or nonexistent.

2. *Finding, range sizes.*—The Board found that no valid criteria existed for determining what the size of a range should be "to accommodate a given training mission without undue jeopardy to private property and the public."

3. *Finding, multiple resource use.*—In the language of the Board's report, it was determined that—

* * * regulations and manuals contain instructions regarding ranges to a limited degree. A general statement regarding the adequacy of these instructions is that they are incom-

plete, obsolete, and complex. Specifically, they do not contain or announce clear-cut policy with regard to the desirability of permitting or encouraging hunting, fishing, grazing, agricultural and mining activities.

4. *Finding, hunting, and fishing.*—The Board found that regulations on hunting and fishing by either military and/or civilian personnel, and policies of supervising authorities relating to hunting and fishing on various bombing and gunnery ranges are “* * * divergent and inconsistent.”

The Board also found that, as of the date of its report, the Air Force controlled a total of 29 ranges where fishing and hunting might be applicable; that such activity by both military and civilians was permitted on 15 ranges, military hunting and fishing only was authorized on 3, and no hunting or fishing whatsoever was permitted on 11 ranges.

With regard to 11 ranges on which no hunting or fishing has been permitted, the Air Force Board found that such prohibition was “justified” on only 2 of them, and that on the other 9 ranges in 8 States, and embracing 5.1 million acres of land, such activity should be permitted, subject to personal security, and basic military security.

5. *Finding, grazing and agriculture joint use.*—The Board found that, with respect to guidelines for such joint use as grazing, agriculture and mining—

There is no policy guidance in regulations to commanders regarding the desirability or undesirability of outleasing or subleasing for grazing and agricultural purposes.

As an example of the confusion in this matter, the Board cited this fact: One basic Air Force regulation stated that joint civilian use activities “will be governed by AF Regulations 90-1 and AF Manual 90-1”; the former merely states that technical guidance in the operation of these activities will be found in the latter; the latter merely provides guidance in procedure—but no policy guidance.

The Air Force Board found that there were 28 ranges under Air Force control where grazing or agriculture might be applicable; that such activity was permitted on 12 ranges, prohibited on 16 ranges. With regard to the 16 ranges where no grazing or agriculture was permitted, the Board found that such prohibition was “not justified” on 12 of them—embracing more than 6.7 million acres in 10 States—that such prohibition was “justified” on the remaining 4 because of security and personal safety requirements. It should be emphasized that the Board finding was qualified to the extent that its conclusion was that grazing will be permitted if type of utilization (i. e., whether herders are required, whether wells will be drilled, etc.), and particular time of scheduling of military use make such use compatible.

The effect of denial of such use for what has been at least 10 years can perhaps best be understood if expressed statistically: Assuming that the average acre of land held in ranges by the military has the same livestock carrying capacity as the average acre on the 148 million acres of grazing land controlled by the Bureau of Land Management (where use averages 50 acres per cow year, 8 acres per sheep year) the Air Force lands closed for many years where such closure was found

“not justified” by the Stranathan Board would have a potential carrying capacity for more than 67,000 cattle and more than 420,000 sheep, per year.

Conceding that other factors—e. g., personal safety factors, contamination of range areas, or temporary Federal policies aimed at reducing agricultural crop acreages or grazing acreages—might reduce, or even preclude (in the case of Federal crop reduction policies) grazing entirely, the realistic reappraisal by the Air Force Board indicates what can be done when the effort is made.

6. *Finding, excess rangelands.*—Finally, and of greatest importance, the Air Force Board found on October 9, 1956, that of the 14.4 million acres said to be “fully utilized and needed for the foreseeable future” 9 months earlier, a gross acreage of more than 5.5 million, or about 40 percent of the total Air Force landholdings, were in fact excess to current and long-range Air Force requirements *as bombing and gunnery ranges*. [Emphasis supplied.]

In short, an internal self-analysis by one military department disclosed that rangelands equal in size to a strip of land 2.8 miles wide from New York to San Francisco—or larger than the States of Connecticut and Delaware combined by 310 square miles, or larger than 121 Districts of Columbia—were excess to its requirements for the purpose held.

The extent to which such findings will serve to reduce Air Force requirements for purposes other than bombing and gunnery, or to satisfy new and pending requests by other military departments, had not, as of the date of this report, been determined. One immediate effect has been noted below under the heading “Navy Nevada Requirements” (p. 40).

Committee conclusion, comment

The Air Force Weapons Range Board report of October 1956 echoes, in statistics, in its own findings, and in its conclusions, the findings and conclusions transmitted to the Congress by the House committee on July 21, 1956, in House Report No. 2856, 84th Congress, on the predecessor to H. R. 5538, herewith reported. The 1956 committee report suggested that “inexcusable deficiencies” existed in Defense agency real property control procedures, while the Stranathan report—to the credit of those who brought it into being—admits their existence in one military department, the Department of the Air Force.

The Air Force report adds up, almost incredibly, to several items. It means 5.7 million acres of land were found to have served the purpose for which held, and will thus be made available for a different Defense purpose to meet new mission assignments, or disposed of to the limited extent portions of it are improved, or returned to the public domain for entry and multiple use under the public land laws. The report also means that 6.7 million acres of land in 10 States, closed for many years to grazing and agriculture (although agricultural activities are admittedly limited to a small percentage of this area), were found to be closed “without justification” and that 5.1 million acres of Air Force land in 8 States were similarly found to be closed to hunting and fishing “without justification.” Further, it reflects—after too many years—willingness and ability, with Defense guidance, to apply policies looking to wiser, more economical use of a vast area of Federal lands held for Defense purposes.

The report of the Air Force Board, it appears, will result in several millions of dollars of direct savings at the outset, and the procedures established as a result of the study hold promise of tens of millions of dollars in savings in future Air Force operations.

It should be noted that as of February 2, 1957, the military departments reporting to Defense under the 1955 utilization review directive, with a total of 2,153 reports due (see table X, above), had reported as follows: Air Force, 701 of 701 reports; Navy, 342 of 982 reports; and Army, 428 of 470 reports. As of March 31, the Army had submitted 443 of the 470 required reports and the Navy had reported on 743 of its 982 installations.

In light of the Air Force findings with regard to its own operations, the committee believes that the Department of Defense should nevertheless insist on a detailed followup scrutiny of the Stranathan Board findings, and in turn that Defense should insist on development of similar internal reports on the part of the Departments of the Army and Navy, with assurances of a detailed Defense study of them thereafter.

Navy Nevada requirements

In its 1956 report, the House committee devoted extensive comment to its findings on certain matters growing out of a request of the Department of the Navy for withdrawal of some 2.8 million acres in northwest Nevada in what is known as the Black Rock Desert-Sahwave Mountain area, such lands to be used to meet the Navy's west coast gunnery training requirements.

The committee expressed concern that this action would take from the northern Nevada economy, as initially proposed, some 35 ranches ranging in size from 200 to more than 19,000 acres; 22,400 cattle and 14,000 sheep grazing in the area; 142 patented mining claims, 1,609 unpatented mining claims, and several millions of dollars worth of operating mines; and, from sound game and conservation management, one of the State's best wildlife habitats for antelope, mule deer, sage hens, and chukar partridges; further, that this withdrawal would be made in northern Nevada of 3.8 million acres when neither the Air Force on its own, nor the Defense Department had developed utilization reports for the 3.7 million acre Nellis-Tonopah Air Force Range in southern Nevada, which reports might have served to sustain the repeated turndowns by the Air Force of the Navy's pleas for joint use by the Navy of a portion of the Air Force's Nevada range holdings.

As noted above, Air Force witnesses, when asked on January 6, 1956, when Nellis-Tonopah might be made available for joint Air Force-Navy use replied, "Not in the foreseeable future * * *." Thereafter, when the Air Force announced on March 1, 1956, that more than 2 million acres at Nellis-Tonopah would be made available for Navy use, subject to partial interim Atomic Energy Commission use, the Navy argued that the Air Force offer came "too late" because of the Navy's multi-million-dollar investment in the Fallon, Nev., Naval Auxiliary Air Station, 30 miles northeast of Reno and served for gunnery purposes by temporarily withdrawn lands at Black Rock Desert and Sahwave Mountain.

The Air Force, in the Stranathan report, reiterated its conclusion that some 2.1 million acres of Nellis-Tonopah were excess to all current or long-range Air Force needs, and that an additional 700,000

being used on an interim basis by AEC would be made available in or before 1959.

On or about March 1, 1957, the Defense Department transmitted to the committee the following statement:

The Department of the Navy will make use of that portion (known as Tonopah) of the Air Force Las Vegas Range, which is excess to Air Force requirements. This should result in a substantial reduction in the Navy requirement for land at Black Rock-Sahwave, and should also cause an early decision as to the actual requirement for land at Black Rock-Sahwave.

Committee conclusion, comment

The repeated Air Force turndowns of Navy requests for joint Air Force-Navy use of Nellis-Tonopah, and defense of that action in January 1956, only to announce release of more than 2 million acres there 2 months later, was labeled by this committee in its 1956 report "inexplicable." The Navy's plea that the March 1, 1956, Nellis-Tonopah Air Force release came "too late," was similarly labeled "incomprehensible." Finally, the action of Defense in blessing all of the positions of both Departments was labeled "an inexcusable deficiency in (Defense) control procedures."

In light of events which have since transpired, it appears that a promised resurvey by Navy of its requirements has been made, with the results indicated, that the Air Force Weapons Range Board report explains the turndowns—without defending them; and that, however tardily, Defense did enter the picture.

The committee assumes that the "substantial reduction" indicated at Black Rock-Sahwave would be at least equal to the amount made available at Nellis-Tonopah. If so, in addition to reducing by approximately 2 million acres the net Navy requirement in northern Nevada, this action will assure that 2 million abandoned—and substantially contaminated—acres in southern Nevada will not go unused.

MILITARY HUNTING AND FISHING

By way of background, the committee here repeats a portion of what was said in the 1956 House report on H. R. 12185, the predecessor to H. R. 5538, both of which would operate to effect substantial change in the present military-local relationship with respect to fishing, hunting, and trapping on military installations.

Accompanying the jump in military land holdings from 4 million acres in 1940 to more than 25 million acres in 1945, and continuing to the present time, there has been repeated collision between the military and Federal (including United States Fish and Wildlife Service personnel) and State officials charged with the responsibility for development, management, and harvesting of fish, game, and wildlife resources.

Without attempting to detail—or reconcile—the legalistic differences of opinion, it may be said that the basic Federal policy with respect to fish, game, and wildlife resources found on Federal real property, outside of holdings for defense and certain atomic energy installations, has been to provide for exclusive State jurisdiction, in-

cluding management and enforcement or to provide for concurrent Federal-State jurisdiction.

The Assimilative Crimes Act of June 25, 1948 (62 Stat. 683), is the basic Federal law governing the application of State and Territorial law on Federal reservations of public lands.

Section 7 of the 1948 act (62 Stat. 683, 685; 18 U. S. C. 7), defines the special maritime and Territorial jurisdiction of the United States, in part, to include—

* * * * *

(3) Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

Section 13 of the 1948 act (62 Stat. 683, 686; 18 U. S. C. 13) relates to laws of the States adopted for areas within Federal jurisdiction in this language:

13. Whoever within or upon any of the places now existing or hereafter reserved or acquired as provided in section 7 of this act, is guilty of any act or omission which although not made punishable if committed or omitted within the jurisdiction of the State, Territory, possession, or district in which such place is situated, by the laws thereof in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

The military has asserted—and the assertion has not been successfully challenged—that State laws governing the taking and possession of fish, wildlife, and game apply as follows:

(1) *Areas of exclusive Federal jurisdiction.*—State officials have no enforcement authority and State hunting and fishing licenses are not required.

(2) *Concurrent Federal-State jurisdiction areas.*—The State may require possession of a license and State laws may be enforced by officials both of the State and Federal governments.

(3) *Exclusive State jurisdiction.*—Where neither exclusive Federal nor concurrent Federal-State jurisdiction exists, the State fish and game laws will govern, and State and local officials “* * * should be afforded every opportunity to enforce the fish and game laws and regulations”—except that “* * * current security regulations will take precedence over State or local fish and game laws.”

A number of the States have taken the position, however, that apart from the right of the United States to assert sovereignty over the lands it owns, all of the fish, game, and wildlife resources within the exterior boundaries of a State in which there may be located Federal real property as *ferae naturae*, are the “property” of the citizens of the State and subject to the laws of the State, with the exception of migratory birds.

1956 report of the House committee

In its report last year, the House committee said this:

It is submitted by the committee that testimony and statements received during its extended hearings on the fish and game aspects of military land holdings constitute an almost wholesale indictment of the policies and procedures presently in effect. This is so—not because violations, noncooperation, and flagrant disregard for sound fish and game management principles are the rule, for they are in fact the exceptions to the rule—but because in those several instances where conflict has arisen between the military and local officials, minor irritations have continued over a period of months or years, and have been permitted to balloon into king-sized verbal battles, and have done little to serve the cause of wise resource management and use. These longstanding military-local conflicts continue today while the Department of Defense has been unwilling or unable to resolve them to the mutual satisfaction of local authorities, or it has been indifferent to their resolution * * *.

While both the military and local officials have remained unyielding in their basic disagreement in some areas over what is legally required with respect to licensing of military personnel assigned within a State or Territory, the committee reiterates its expressed view of last year that the questions in disagreement should be mooted by enactment of the reported legislation. Particularly does this appear feasible and desirable in light of what has transpired in the past 12 months.

Progress in improving military-local relations

The record made in the 85th Congress is one which reflects measurable and substantial improvement in military-local relations in fishing, hunting, and trapping matters, with a limited number of matters still unresolved.

The Defense Department and each of the three military departments have, in the past year, rewritten the regulations governing hunting and fishing activities on military reservations under their control, and the committee believes that as rewritten, the regulations represent an acceleration in the evolutionary moves toward increased military-local understanding.

While last year's report points to several areas where it appeared individual Army commanders and local conservation officials did not see eye-to-eye, it appears steps have and are being taken to remedy basic differences. For example, Army regulations issued November 6, 1956, were described by the top Department of the Army witness as achieving this result:

* * * the Army's policy is to comply fully with the penal provisions of State hunting and fishing laws, such as those pertaining to seasons, bag limits and sex of animals killed; to cooperate with all State and local officials interested in hunting and fishing, wildlife and conservation; to quickly and vigorously prosecute all violators; and to engage in long-range conservation and game management programs on all military reservations.

Army performance in keeping with this policy declaration is evidenced from several quarters, to include the following:

Camp McCoy, Wis.—This 10,000-acre area, described in 1956 as “a haven for the unlawful taking of deer” by reason of insufficient garrisoning of military personnel during the State hunting seasons, has witnessed in the past year several changes to remedy the situation.

Where only 100 to 200 licenses per year for civilians to hunt at Camp McCoy were previously issued, about 2,000 were issued during the past season. During the past deer season, the Army supplemented its own limited post complement by military police furnished from Fifth Army Headquarters to assist local wardens in patrolling the reservation; through cooperation of the United States district attorney at Madison, Wis., and through efforts of military patrols and Federal agents supplied as a result of Army requests, 22 poachers—none of them military personnel—were arrested and turned over to the United States commissioner. This activity, it is believed, will serve as notice of the consequence to follow future violations, with military-local cooperation responsible.

Fort Sill, Okla.—The longstanding controversy between local and Federal wildlife interests and the Army over the latter's request for transfer of exclusive use of some 10,700 acres for artillery training purposes from the 59,000-acre Wichita Mountains National Wildlife Refuge in Oklahoma appears to have been finally resolved as of February 28, 1957. Opponents of the Army move had argued that the proposed Army takeover would cut the “heartland” out of this outstanding game and bird management area, along with key public use areas therein.

Under terms of the Army-Interior agreement reached in February, the Army is settling for about one-third of the 10,700 acres originally requested on a 10-year use permit basis which in effect is an extension of one which has been in force for many years; terms of the agreement provide for assuring no military or civilian hunting therein, periodic entry by conservation officials, exclusion from the area agreed on of Boulder Camp, and public-use facilities at Post Oak and Treasure Lakes, road relocation at Army expense, and pro tanto replacement elsewhere of public-use facilities in the Elm Springs and Pecan Springs Camps.

Alaska.—Alaska Game Commission spokesman testified that his organization had received “excellent cooperation” in all respects from local military commanders during the past year. In addition the Army in Alaska assisted Alaskan game officials by furnishing trained conservation agents on full-time temporary-duty status to augment the Fish and Wildlife Service during the hunting and fishing seasons; assisted Alaska agencies by taking creel census to be used for restocking studies, and assisted in restocking of lakes and streams; and sent 25 students, as an annual procedure, to the University of Alaska to take the annual course on wildlife management for military personnel—for later assistance in enforcement.

Fort Meade, Md.—The Army resolved disagreement with Maryland State game officials regarding State or county licenses for military personnel at Fort Meade (embracing 72,721 acres), and with regard to Sunday hunting, by agreeing to require Maryland licenses, and abide by the prohibition against Sunday hunting.

Numerous installations.—The Army was able to supply the committee this year with evidence of very meaningful examples of conservation, restocking, and wildlife management programs conducted at various Army installations during 1956; Fort Devens, Mass.; Fort Knox, Ky.; Camp Breckenridge, Ky.; Ravenna Arsenal, Ohio; Fort Meade, Md.; Camp A. P. Hill and Camp Pickett, Va.; Fort Rucker, Ala.; Fort Bliss and Fort Sam Houston, Tex.; Fort Sill, Okla.; Hunter Liggett Reservation, and Camp Cooke, Calif.; and Fort Douglas, Utah. These activities added together mean more than 50,000 fish were introduced through restocking on these reservations, together with over 12,850 quail, pheasants, and partridges. More than 430,000 trees were planted last year, in addition to well over 5,000 acres of feed and cover crops planted, and thousands of pounds of hay, grain, and salt placed for scratch and winterfeed for birds and game.

Aberdeen Proving Ground, Md.—In testimony before the House committee in 1956, the Aberdeen, Md., Proving Ground, an Army installation, was characterized by the Chief of the Wildlife Division, United States Fish and Wildlife Service as—

* * * a deluxe officers' shooting club [where] there is a master sergeant and a couple of assistants who spend all fall during the open season handling the blind system over there.

The same witness described the difficulty encountered by Federal game agents who have attempted to enter the area for investigation of hunting practices assertedly pursued there.

No Army comment was received at that time.

Without otherwise enlarging on the matter, the commanding general, Second Army, under which Aberdeen Proving Ground falls, in a report dated January 18, 1957, includes these comments on activities at that installation—

With close cooperation and frequent meetings between State game officials and representatives of this installation an effective program of supervised hunting was established.

* * * A program for release of duck blinds over which this installation exercised riparian rights has resulted in civilian utilization of these blinds through county officials.

Practices and problems in other areas indicate a need for resolution of basic policy questions still left unsettled.

Fort Bliss, Tex.-New Mexico.—The 1956 House committee report pointed to repeated clashes over the past 20 years between successive New Mexico governors and commanding officers at Fort Bliss, Tex., regarding the use of the 728,000-acre (449,000 acres public domain) Army antiaircraft range in New Mexico and used by Bliss personnel for training.

The heart of the argument has been insistence by New Mexico officials that State laws regarding licensing, season, and taking, together with policing of the area by New Mexico officials, should apply. The Army has objected particularly to requirement of New Mexico law for nonresident licenses, and has in the past apparently permitted hunting without licenses, and with State game officials barred from entry for observations as to enforcement and compliance.

As of the date of this report the Army had temporarily resolved the matter by barring any and all hunting on the 728,000-acre reservation. In the event agreement is not reached prior to that time, H. R. 5538 would operate to define clearly the rights and responsibilities of both military and State guests.

Military hunting and fishing guests

In its 1956 report, the committee referred to huge Federal military reservations containing extensive fish, game, and wildlife resources with the comment that—

* * * in too many instances such areas have taken on all the aspects of exclusive military hunting preserves, closed to the public at large, closed to the Federal and State officials charged with responsibility for fish and game law enforcement * * *.

As indicated above, it appears that marked progress has been made in the direction of assuring that State and Territorial laws governing season and bag limits and establishing penalties for violations are, in large measure being enforced with reasonably close military-local cooperation. With respect to the "hunting preserves, closed to the public at large" observation, however, much remains to be done.

While the following references are to Army practices and procedures, it appears that on a number of Navy, Marine Corps, and Air Force (until December 1956) installations, essentially the same situation exists.

Fort Knox, Camp Breckenridge, Ky.—In a report made available to the committee, the commanding general of Second Army, whose jurisdiction includes the United States Army Armor Center, Fort Knox, Ky. (107,133 acres), and Camp Breckenridge, Ky. (35,681 acres), points out that, with respect to nonmilitary hunting and fishing procedures—

Commanding General, United States Army Armor Center, has issued to Members of Congress, State government officials, city officials of communities adjacent to Knox and Breckenridge, and prominent citizens who have demonstrated active interest in military affairs invitations to hunt and fish at Knox and Breckenridge.

The report on these Kentucky installations then adds:

In addition, responsible citizens residing in adjacent communities who make request to commanding general for permission to hunt at Knox and Breckenridge are granted permission providing they comply with State game laws and local personnel are available to accompany them to insure compliance with safety and hunting regulations. Permit holders include both military and civilian employees of the installations who have valid State hunting and fishing licenses. They are authorized to have a guest for three 2-day periods during any one game season.

Other Army areas.—Knox and Breckenridge are under Second Army, which exercises jurisdiction over Army installations in seven States: Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Kentucky, and Ohio.

With respect to other Army areas, a somewhat similar guest guideline seems to prevail.

In the seven-State Third Army area (North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Tennessee) post civil service personnel, retired military personnel, and guests of military personnel, in addition to military personnel on active duty, are permitted to hunt and fish. In the five-State Fourth Army area (Arkansas, Louisiana, Texas, Oklahoma, and New Mexico) the general rule appears to be that hunting and fishing is permitted for military personnel, post civilian employees, and other civilians only "as invited guests of military personnel." In most instances in the 13-State Fifth Army area (Michigan, Wisconsin, Illinois, Missouri, Indiana, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Wyoming, and Colorado) hunting and fishing privileges on military installations are limited to military personnel, active and retired, and civilian employees; in addition, "some" standby installations permit civilian participation when State requirements are met.

From reports made available involving military installations in the 8-State First Army area (Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, and Vermont), and in the 8-State Sixth Army area (Montana, Washington, Oregon, Idaho, Utah, Nevada, Arizona, and California), it is not clear what the policy is with respect to nonassigned military personnel or civilians hunting on a given reservation, although both indicate a substantial number of civilians have hunted and fished on their installations.

Hunting-fishing by visiting, transient military

Another matter to which the committee has addressed itself, and which has frequently been the source of official and public complaint, is that raised through fishing and hunting use of large military reservations almost exclusively by military personnel, including visiting personnel or those assigned for brief training periods.

Two examples of Army military installations in the State of Virginia should establish the point, and present a study in contrast.

Camp A. P. Hill, Va.—Camp Hill is an Army installation aggregating in size nearly 77,000 acres rated as an outstanding hunting area for deer and small game, and for fishing.

A total of 182 personnel—10 officers, 87 enlisted men, and 85 Army civilian employees—are permanently assigned there. Training areas and quarters on the post are utilized for brief periods throughout the year by various groups from the area, including Regular and Reserve Army units, some Marine personnel, National Guard units, ROTC units, and Boy Scouts; all totaled, several thousands of individuals, on temporary assignment, use the area. In addition, for limited scheduled periods, the area is used by the Air Force for low-altitude bombing and strafing practice, and by naval and marine air units for loft bombing practice.

During an approximately 9-week period November 1956–January 1957, a total of 6,250 persons hunted at Camp Hill, during the deer season. The breakdown is as follows: Army, 2,417; Navy, 680; Air Force, 1,205; Marines, 203; and civilians (the portion coming from Army civilian employees, as guests of military, and from the public at large is not known), 1,745.

In other words, during the deer season just ended at Camp Hill, where only 97 Army military personnel and 85 Army civilian personnel are permanently assigned, of a total of 6,250 persons permitted to hunt, 4,505 were military personnel, the balance civilians. It is not known what percentage of the hunting military personnel were on temporary duty at the post, what percentage were visiting there.

Camp Pickett, Va.—Camp Pickett, another Army installation in Virginia, essentially on standby basis, embraces nearly 49,000 acres of land classed as excellent for hunting and fishing. Prior to August 24, 1956, there had been limited but continuing complaints from some quarters because of assertedly limited civilian use, and because of military-State cooperation said to be lacking in some respects.

On August 24, 1956, the Army entered into an agreement with the State of Virginia providing for joint usage of the reservation area, to include opening of the area to all hunters and fishermen without regard to military or civilian status; operation of a continuous Army-civilian joint effort conservation program; outstanding cooperation between Army-civilian authorities in game and fish surveys and planting of seedplots for feed; requirement of compliance with State regulations required; and enforcement assured through civilian and military game wardens exercising concurrent jurisdiction.

Thereafter, and up to December 31, 1956, a total of 3,668 hunters were permitted to hunt at Camp Pickett. Of this total, between 3,300 and 3,500 were civilians, on a first-come-first-served basis.

Camp Hill and Camp Pickett stand as contrasts in the eyes of the public at large, many of whom have argued that military personnel not permanently assigned to any given installation should stand in no different position or priority with respect to fishing or hunting on that installation than does any sportsman from the public at large.

The committee has adopted language in the reported bill which it believes will establish clear-cut standards for hunting or fishing use by visiting or weekend military personnel, and will make one major recommendation with respect to the "military guest" philosophy of parceling out hunting and fishing privileges.

Meanwhile, one recent development suggests a direct approach toward improved public understanding of military reservation use.

Air Force-Fish and Wildlife Service agreement

In a preceding section, the committee has noted that reexamination of Air Force range holdings by the Air Force Weapons Range Board disclosed that for a number of years more than 5.1 million acres of land on 9 ranges in 8 States had been automatically and continually closed to fishing and hunting. In the words of the Air Force Board, this closure was labeled "without justification."

Following up this self-indictment, on December 17, 1956, the Department of the Air Force entered into a military conservation milestone memorandum of agreement with the United States Fish and Wildlife Service for the development of a fish and wildlife conservation program throughout the United States Air Force. This formal, written agreement provides that—

- (1) The Air Force and the Fish and Wildlife Service agree to mutually assist each other to develop and maintain fish and

wildlife resources on property presently held, and to be held by the Air Force;

(2) The Service will aid the Air Force by providing technical advice and assistance in development and management plans in construction and management of fishing waters, improvement of habitat, stocking of suitable game, predator control, planting of food for wildlife, and similar practices;

(3) The Air Force will implement and carry out the fish and wildlife management plans approved by the two agencies to include orderly harvesting of the fish and game crop, insofar as this may be done without interference with the primary Air Force mission; and

(4) The Service and the Air Force, consistent with their primary objectives and responsibilities and the availability of funds and personnel, will endeavor in every possible instance to cooperate with State conservation departments in the development and management of the programs.

Committee conclusion, comment

As stated at the outset of this section, it appears that very substantial progress has been made by Defense, and in the three military departments, in the direction of ironing out long-standing military-local clashes on fish and wildlife.

It is clear, however, that there remains some validity in the assertion that "exclusive military hunting preserves" still exist, since the bases for permitting particular off-reservation personnel (whether military or civilian) to hunt or fish on a given reservation cannot be directly related by the committee to military security, personal safety, or sound conservation practices. If there is going to be hunting or fishing within a given military installation by persons other than those actually assigned to, or living on, that reservation—which would seem to rule out personal safety considerations—then it would appear that in the matter of obtaining on-reservation permits outsiders should stand at par with each other, whether military or civilian, except in what might be very special circumstances involving military security.

In summary, it is difficult to discern the relationship between sound game and fishery resource management and a system which limits on-reservation hunting to such varied off-reservation groups (civilian and military) as Members of Congress, State government officials, city officials of adjacent communities, retired military personnel, invited guests of military personnel, and prominent citizens who "have demonstrated active interest in military affairs." Yet, as stated above, the aforementioned groups from the public at large fell within the privilege on vast acreages of military reservations.

Nor is a majority of the committee convinced that thousands of visiting military personnel, or military personnel on temporary duty, should be permitted to fill allowed quotas, to the exclusion of the sporting public at large living in the vicinity of the installation involved.

The House committee considered insertion of language in H. R. 5538 which would have provided that, hereafter, on-reservation military personnel and their dependents would have first opportunity to fill established hunting and fishing quotas. In those instances where off-reservation individuals, military or civilian, were to be permitted

to participate—excepting in those limited instances where special military security aspects might be involved—the balance of such quotas would be filled just as they are on all other lands open under a limited-quota system to hunting and fishing, i. e., on a first-come, first-served basis from the public-at-large. Since military reservations are peculiarly geared to the check-in and check-out system, it would appear that the chief obstacle to such a procedure being established universally is, simply, historical practice on a number of installations.

While a majority of members were agreed on the end to be accomplished by such an amendment, time did not permit development of language to achieve that end; at the same time, it appeared to some members that opportunity should be provided for the individual military departments to internally develop regulations to discard the “guest of the military” approach, and failing that, for Congress to legislate in the field.

Pending final disposition of this question, and the reported bill, the sum-total of the past 12-months actions by the military in hunting-fishing matters is: very meritorious and meaningful progress.

THE MILITARY AND PETROLEUM RESOURCES

The committee takes this opportunity to bring the Congress up to date on two matters involving petroleum-resources development and the effect of Defense land and airspace requirements on that development.

San Nicolas Island, Calif.—The House committee, in its 1956 report, set out in detail the Navy position with respect to its asserted authority to conduct petroleum exploration activities on San Nicolas Island, a 14,000-acre Navy reservation created by Executive order in 1933 and located some 68 miles southwest of Los Angeles in the Pacific Ocean, and approximately 80 miles south of a point midway between the cities of Santa Barbara and Ventura. That report also registered the complete disagreement of the House Interior and Insular Affairs Committee with the basic position of the Navy, also disagreed to by the House Appropriations Committee in denying funds for Navy exploration on San Nicolas.

This year's testimony by Navy in no way operated to change the position of this committee in its opposition to the Navy's claim of existing authority to explore outside of established Navy petroleum reserves or oilshale reserves. Nor has the committee changed its position with respect to courses of action it believes the Navy should pursue. The committee still has no judgment as to the need for creation of additional naval petroleum reserves, nor does it have a judgment as to the desirability of the Navy—or any other Federal agency—conducting exploratory petroleum drilling operations. The committee does point out that the Navy has not, since last year's testimony, taken either of two basic steps which would indicate the Navy is convinced that present Navy petroleum reserves are inadequate: the Navy still has not sought—after many months and thousands of words of discussion, debate, briefs, cross briefs and argument—to have set aside additional lands as petroleum reserves through Presidential Execu-

tive order, nor has it attempted to do so by specific act of Congress. Those two courses of action remain open.

Finally, it is pointed out that the Defense witness on this question from the Office of General Counsel, in two different responses to questions addressed to him, declared—

* * * It is our feeling that, with reference to the bill now pending before the committee, section 6 of the bill would preclude, by statutory language, exploration by the Navy for petroleum in areas reserved for naval purposes as distinguished from areas set aside for naval petroleum reserves. * * *

and most significantly, the same witness declared—

* * * The Defense Department's position on the bill does not take issue with what this section would do with respect to exploration, namely, preclude it.

Outer Continental Shelf lands.—The committee, because of certain provisions in the reported bill dealing directly with outer Continental Shelf lands, calls to the attention of the Senate the existing situation with respect to development of such lands and asserted military airspace requirements.

As members know, the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U. S. C. 1331), had as its principal object and purpose declaring it to be the policy of the United States that the subsoil and seabeds of the "outer Continental Shelf"—explicitly leaving unaffected the character of the high seas above the shelf and the rights to navigation and fishing thereon—appertain to the United States and are subject to its jurisdiction, control, and power of disposition, as set out in the act.

The act defines "outer Continental Shelf" as meaning—

* * * all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in (the Submerged Lands Act of 1953) * * *.

The Submerged Lands Act of May 22, 1953 (67 Stat. 291; 43 U. S. C. 1301) in section 2 (a) (3) contains this language:

The term "land beneath navigable waters" means all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coastline of such State, and to the boundary line of each State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore approved by Congress, extends seaward or into the Gulf of Mexico beyond three geographical miles.

Interior authority

The act grants to the Secretary of the Interior authority to grant leases or permits for the use of shelf lands, among other things—

* * * In order to meet the urgent need for further exploration and developments of the oil and gas deposits of the submerged lands of the outer Continental Shelf * * * (67 Stat. 462, 468; 43 U. S. C. 1337).

Since the effective date of the act, with less than 600,000 acres of outer Continental Shelf land under lease, there has been paid into the Federal Treasury more than \$253 million—a sum in excess of one-half the gross amount received by the United States in all the 35-year operation of the Mineral Leasing Act of 1920.

Section 12 (a) of the act (67 Stat. 462, 469; 43 U. S. C. 1339), authorizes the President to withdraw from disposition any of the unleased lands of the shelf and section 12 (d) reserves to the United States the right to designate by and through the Secretary of Defense, with the approval of the President, as areas restricted from exploration and operation—

* * * that part of the outer Continental Shelf needed for national defense * * *,

and provides that so long as such designation remains in effect no exploration or operations may be conducted on any part of the surface of such area except with the concurrence of the Secretary of Defense.

Interior concern over status of warning areas

In connection with the section immediately below, and on the general status of warning areas, there is inserted at this point a supplemental report of Interior dated March 15, 1957.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., March 15, 1957.

HON. CLAIR ENGLE,

*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.*

DEAR MR. ENGLE: This is with further reference to our report of February 4, on H. R. 627 and in connection with H. R. 5538, which you introduced March 4, and upon which we are informed your committee has voted favorably.

The inclusion in the new bill of certain language applicable to the outer Continental Shelf, which we suggested, is appreciated. However, the insertion by the committee of subsection (3) in section 1 of that bill presents a difficult problem for this Department.

That subsection excepts from the operation of the act warning areas set aside in the Federal lands and waters of the outer Continental Shelf prior to the enactment of the Outer Continental Shelf Lands Act. Since H. R. 5538 is concerned exclusively with land withdrawals, reservations, and restrictions, it may, if enacted, result in closing to oil and gas leasing an area of 22,320,520 acres, of which over 15 million acres are in the Gulf of Mexico and a large percentage of which covers areas of the highest prospective value.

It is our understanding that the committee is persuaded that they do not bar oil and gas leasing and that the subsection was only included because of that belief. We also believe that as a matter of law they do not now prevent such leasing because: (1) They do not purport to, nor do they, withdraw the water surface or the seabed and subsoil; (2) the Outer Continental Shelf Lands Act, enacted by Congress pursuant to its exclusive constitutional authority provided in section 8 for mineral leasing on all or any part of the outer Continental Shelf, and in section 12 it specifies the exclusive ways in

which any portion thereof may be withdrawn or closed to leasing. Thus, any future warning areas on the outer Continental Shelf will have to be set aside pursuant to the provisions of that section. However, the purposes for which the existing warning areas were created by reason of the resulting fallout necessarily make surface use hazardous in the extreme, and, as a practical matter, preclude oil and gas development in such areas and it is the legal effect which subsection (3) may have on this practical problem which causes us to question its inclusion in the bill.

The rules of statutory construction require that we seek to give effect to every word of a statute. If that is done literally, and without reference to other possible aids to construction, it would appear to require the conclusion that subsection (3) would give the same effect to these warning areas as it would if they were called reservations. It is recognized that they are reservations of airspace only. (See p. 8 of Terms of Reference and Procedures Manual, Airspace Panel, Air Coordinating Committee.) The Outer Continental Shelf Lands Act treats the subject as new and is comprehensive within its scope. Congress, of course, was aware of the existence of these warning areas, but nonetheless made no exception of them. However, subsection (3) now proposes to do what Congress did not see fit to do and what the Defense Department refrained from asking it to do in 1953.

The enactment of the subsection would materially increase our difficulty in leasing highly prospective portions of such areas by giving at least a semblance of legality to an assumption that they withdraw the lands. Even before the Defense Department included them in its proposed designations under the Outer Continental Shelf Lands Act the interested agencies in that Department objected to the issuance of leases within such areas but they did agree, in that one instance, to revise the boundaries to exclude the lands that were offered for lease. As to part of the area, the interested agency agreed reluctantly, and subsequent efforts to have lands released have so far been unsuccessful. We have endeavored to operate in this manner not because of any belief that we are legally obligated to do so but because we appreciate the commitments and needs of the Department of Defense. If that policy is continued oil and gas development of these areas would be considerably delayed, if not completely prevented, even under present conditions. We fear that enactment of subsection (3) might not only perpetuate this unsatisfactory condition but accentuate it.

Certain areas of immediate concern off the coast of Louisiana are near leased areas where a number of leases have been sold for bonuses of several million dollars (up to more than \$6 million for a single lease). Such sums are not bid except upon reasonable prospects of developing oil and gas in large quantities. The need for finding new sources of these minerals is constantly increasing in urgency. There are vastly greater areas on the outer Continental Shelf where warning areas would not interfere with oil and gas development and we believe that in areas of present prospective value, which includes all of the outer Continental Shelf off Louisiana out to the 100-fathom line, the existing warning areas could and should be adjusted so as to exclude these areas.

Finally, it had been our belief that the prior bill and, we think, the present one if subsection (3) were eliminated would further emphasize

the fact that oil and gas leasing of prospectively valuable areas is paramount and that warning areas must be adjusted to the extent necessary to permit of such leasing.

We would have no objection to a provision which would protect the interests of the Department of Defense and at the same time give recognition to the necessity for mineral development by providing that warning areas would be adjusted to exclude areas determined by the Secretary of the Interior to be prospectively valuable for oil, gas, or other minerals.

Since the committee has already voted out this bill, it is requested that it give consideration to this report in its report on the bill which we understand is in preparation in order that the Congress may be informed of the facts as we view them.

Sincerely yours,

HATFIELD CHILSON,
Assistant Secretary of the Interior.

Blocking of shelf petroleum development

It is ironic, in the committee's view, that the same defense agency which has pleaded for so long in so many forums for an opportunity to explore for petroleum on lands which it controls must at the same time assume the burden, in large part, for blocking the development of what is believed to be one of the United States richest petroleum resource areas—and with the blocking to effectively bar the early payment into the Treasury of the United States of what responsible officials believe would exceed in the aggregate at least a quarter of a billion dollars.

For it is the same Navy which holds to its San Nicolas "right to explore" assertion off the coast of California which has for many months blocked leasing by the Department of the Interior of upward of 800,000 acres of prospectively oil-rich submerged lands of the outer Continental Shelf off the coast of Louisiana.

The facts are these: The Navy, by virtue of its having been established (prior to August 7, 1953, date of enactment of the Outer Continental Shelf Lands Act) as an air warning area, controls the airspace overlaying more than 1 million acres of shelf soil and seabed within the 100-mile fathom line as a part of what is known as the W-92 area some 30 miles south of New Iberia, La., in the Gulf of Mexico.

While Interior had attempted to persuade Navy to adjust the boundaries of this overwater gunnery range so as to permit leasing of more than 800,000 acres of lands overlayed by W-92, Navy, as of the date of the House report, had not swerved from its insistence on continuing control of the overlaying airspace—notwithstanding the fact that Navy is aware that petroleum developers would not risk investment in the area with the existence of a continuing threat of gunnery activities overhead.

It also appears that the Navy claimed the 1-million acre area in question is vitally needed for fulfillment of the Navy training mission; at the same time the Navy controls other Pacific, Gulf, and Atlantic overwater airspace overlaying a surface acreage aggregating 244,840 square miles (more than 206 million acres). Further, the Navy appears to take the position that an "order" establishing W-92

(which, if existent, has not been produced) specifically provides for closure of the area to mineral leasing activity. As indicated above (pp. 21, 22), the committee takes the position that Congress could only have intended, with adoption of the Outer Continental Shelf Lands Act of 1953, that such act supersede any previous procedure in conflict with its provisions controlling not only leasing for minerals, but the only procedure under which such leasing could be restricted; i. e., through the Defense-designation-Presidential-approval procedure.

The House committee was informally advised last year that the principal argument against relocating W-92 was that it would cost Navy "as much as \$2 million a year for extra fuel"; if this is still a principal argument, a readily available comparison is at hand, since Interior has estimated that bonuses alone, which might be expected to be paid for acreages within the area, would amount to "at least \$250 million."

Thus the Navy has been permitted by Defense, and apparently by those responsible in the Executive Office of the President to continue to assert its right to drill for petroleum at taxpayers' expense off the coast of California in an area which Navy acquired only for conventional defense uses—at the same time Navy is permitted by the responsible executive offices to block extensive petroleum development off the Louisiana coast by reason of asserted conventional defense needs, when the latter action bars activity which would result in multi-million-dollar revenues coming into the Federal Treasury.

Committee conclusion, finding

It was submitted by the House committee that: if Navy could not see fit to take very early action to modify its W-92 boundaries to permit leasing to proceed, that, if Defense and Interior were unwilling or unable to override the Navy in its position, and if those responsible in the Executive Office of the President were not convinced that the time for decision is long past due, then the Congress itself must act to terminate a situation which appears to be incredibly wasteful in terms of both dollars and resource development.

Since the conclusion of the Senate hearings on H. R. 5538 on May 17, 1957, representatives of the Navy and Interior have attempted to resolve the W-92 problem. The committee is advised that as of July 22, both departments had signed a memorandum of agreement which would permit joint utilization of the area embraced in W-92. The Department of Defense intends to seek in the immediate future the approval of the President which, under the Outer Continental Shelf Lands Act, is the only means of lending legal status to the Defense designation of the area. If Presidential approval is obtained prior to enactment of H. R. 5538, the Department of the Interior will be able to lease for purposes of mineral development in the W-92 area by the terms of the above-mentioned memorandum of agreement; the Navy, by the terms of the agreement, will limit its training activities to segments of the W-92 area in which the Department of Interior has no immediate desire to grant oil and gas leases.

If the President has not approved the W-92 designation by the date of enactment of H. R. 5538, the reported bill is an available vehicle both to cure the present W-92 situation, and to assure that Congress will be in a position to prevent its recurrence.

SUMMARY OF COMMITTEE ACTION AND FINDINGS

On the record made by the House committee in a total of 28 hearing days and legislation markup sessions spanning the last session of the 84th Congress and the first 8 weeks of this Congress, the House Committee on Interior and Insular Affairs believes that the findings hereinafter set out are established. On the basis of limited hearings, the Senate committee is able to concur in such findings.

1. Defense holdings, pending requests.

Twenty years ago—in 1937—defense agencies of the United States controlled a total of 3 million acres of real property, for all defense purposes.

Today, the total is more than 30 million acres in the United States and Alaska; if all pending defense applications for public lands had been approved, then defense agencies would today control nearly 40 million acres of real property in the United States and Alaska, of which 25.6 million acres would represent withdrawn public lands.

2. Rate of defense land acquisition

In the 18-month period preceding June 30, 1955—a period of 547 days—agencies of the Department of Defense acquired land at the rate of more than 5 acres per minute every minute of the day and night. Had the applications totaling 8.7 million acres pending been approved between that date and January 1, 1957, the rate of defense agency public-land acquisition alone would have been at a rate in excess of 11 acres per minute.

3. Freeze on Executive withdrawals

In view of the sharp upturn in Defense Department land acquisitions, and in view of the fact that all such withdrawals were finalized within the executive departments by Executive action (Defense requests, Interior approved), the committee chairman, Representative Engle, on October 29, 1955, after consultation with ranking committee members on both sides, addressed a letter to the Acting Assistant Secretary of the Interior for Public Land Management requesting that further approvals be withheld until the committee could initiate an inquiry into policies and procedures governing defense withdrawals.

Interior agreed to withhold approval of pending requests, and urged early committee study of the matter in the 84th Congress. Since October 29, 1955, less than 40,000 acres of public land have been withdrawn for defense purposes.

4. Defense withdrawal control legislation

After extensive hearings during the 2d session of the 84th Congress, the House committee developed legislation aimed at returning to the Congress direct control of future defense agency withdrawals of public lands, with both Defense and Interior agreeing that except in cases of most urgent necessity, none of the pending applications would be approved until the control legislation had been disposed of by the Congress.

H. R. 12185, the bill reported in the 84th Congress, passed the House on July 26, 1956, without a dissenting vote and after receiving unprecedented support—from official State agencies of 39 States,

from all major national conservation groups, from numerous regional and local groups, organizations, and individuals—and in very large measure the support of the Department of the Interior and the Department of Defense.

House Report No. 2856 (84th Cong., 2d sess.), which accompanied H. R. 12185 to the House set out in detail the findings and conclusions which formed the basis for the unanimous recommendation of the House Interior and Insular Affairs Committee for early and favorable House action, which came too late for Senate consideration of the measure.

The bill also unanimously reported by the committee herewith is in all essentials the bill approved by the House in the 84th Congress, with some language changes made for greater clarification as to scope and procedure.

In addition to requiring an act of Congress before defense land acquisitions exceeding 5,000 acres take effect—including public lands of the United States, Alaska and Hawaii, outer Continental Shelf lands and Federal lands and waters off the coasts of Alaska and Hawaii—the bill operates to make applicable to all military reservations and facilities the hunting, fishing, and trapping laws of the State or Territory in which such installation is located; redefine the responsibility of the Secretary of the Interior with respect to defense-held public lands found surplus to defense needs; and to clarify the existing law with respect to disposition, management, and control of the mineral estate in defense-held public lands.

The findings of the committee in the past 18 months underscore in the committee's view the urgent need for enactment of H. R. 5538.

5. Defense agency control procedures

The record made by the committee constitutes a severe indictment of central control procedures in the Military Establishment in nearly all phases of public-land acquisition, utilization, and management over a period spanning many years. It appears that the 800 percent jump (from 3 million to more than 25 million acres) in total military land holdings from the War Department days of 1937 to the creation of the Department of Defense in 1947 was made by independent actions of the military departments—the Army, Navy (for the Navy and Marine Corps) and Air Force—without benefit of centralized control procedures. Further, that until August 27, 1955, the record shows Defense had cleared without question applications for withdrawal of millions of acres of additional lands solely on the basis of an asserted need by the requesting military department. In turn, the Department of the Interior—responsible for finalizing all public land withdrawal orders—had for years approved application after application on the basis of Defense Department requests, since Interior was without authority or the technical data needed to challenge them.

The consequences of this procedure, until August 27, 1955, when Defense for the first time issued a departmentwide directive establishing a comprehensive periodic reports control procedure, are best indicated in the following sections.

6. Temporary withdrawals become permanent

During the 6-year period 1939–45, more than 13 million acres of public lands were withdrawn or reserved by Executive action for the

use of the military. By the terms of the orders which set aside these lands for the military, they were to automatically revert to public-land status 6 months after the unlimited national emergency; the unlimited national emergency terminated April 28, 1952, and the 6 months' "plus" period expired October 28, 1952.

Yet, on February 20, 1956, a total of 49 of these "temporary" withdrawals made from 11 to 17 years earlier—embracing 11.9 million acres, and located in 10 States and Alaska, were still in effect.

7. Defense agency position, January 1956

The testimony of the Departments of Defense, Army, Navy, and Air Force with respect to the more than 30 million acres held in the United States and Alaska as of January 1, 1956, and with respect to the 8.7 million acres' worth of applications which had already been approved by them and by the Defense was, in effect this: all of the land held as of that date is needed and is being used under maximum multiple-purpose use, and all of the land under application is needed.

Defense Department witnesses did concede that the results of the August 1955 directive might modify these positions. The "modification"—in dollars, acres, resources, and deficiencies revealed—has been staggering.

8. Improved property found excess, 1956-57

After the January 1956 testimony of Defense the first of 2,153 reports on that number of Army, Navy, and Air Force installations began to flow into Defense under the 1955 utilization directive.

As of February 2, 1957, with approximately 66 percent of the reports in, but with only about one-third of the total to be received evaluated, Defense found that 1,056,083 acres of land, together with improvements costing \$345.2 million, were excess to the requirements of the military department having custody and control. It should be emphasized that 18,200 acres which cost about \$230 million represents industrial property recommended for disposal, subject to a national security recapture clause.

It will be seen that if the reports evaluated to date are representative, the ultimate finding of surplus improved property (industrial and nonindustrial) may reach 3 million acres with an initial cost of more than \$1 billion. From the standpoint of this committee's particular interest, the significant figures are more than 1 million acres with improvements, but representing nonindustrial property which cost originally \$125 million.

9. Military department controls

The House committee's tentative conclusion in its 1956 report that serious deficiencies were indicated in defense agency control procedures, in retrospect, appear to have been fully justified, if unduly cautious.

The committee has pointed out (see pp. 36-40, *supra*) that of the three military departments, Army, Navy, the Air Force, as of February 2, 1957, only the Department of the Air Force had submitted to Defense utilization reports on all of its properties (701 properties, 701 reports), while Navy had submitted about 75 percent (743 of 982), and Army about 94 percent (443 of 470). In turn, Defense had evaluated only about 42 percent of the total reports to be received.

It has also been noted that only the Department of the Air Force had, as of the close of the committee's hearing record, completed a detailed review of its range holdings, real-property policy, multiple-resource policy, and fishing-and-hunting policy. It has also been noted that the Air Force Board, under the chairmanship of Maj. Gen. Leland S. Stranathan found that as of October 9, 1956:

(a) Instructions governing Air Force ranges were "incomplete, obsolete, and complex."

(b) No valid criteria existed for determining range sizes.

(c) Regulations as to multiple use on Air Force ranges "do not announce clear-cut policy with regard to the desirability of permitting or encouraging hunting, fishing, grazing, agricultural and mining activities."

(d) Regulations governing hunting and fishing are "divergent and complex."

(e) A total of 9 Air Force ranges in 8 States, and embracing 5.1 million acres of land had been "without justification" closed to general hunting and fishing.

(f) There is no policy guidance in regulations regarding the desirability or undesirability of leasing Air Force rangelands for grazing and agricultural purposes.

(g) A total of 12 Air Force ranges, embracing more than 6.7 million acres in 10 States had been closed to grazing or agriculture "without justification." (As the committee noted, p. 39, supra, applying nationwide Bureau of Land Management grazing averages, such an area would have a theoretical, potential carrying capacity for more than 67,000 cattle and more than 420,000 sheep, per year.)

(h) Finally, and of greatest import, the Board found, on October 9, 1957, that about 40 percent of the 14.4 million acres of land held by the Air Force and described 9 months earlier before the committee as "fully utilized and needed for the foreseeable future—5.7 million acres—were, in fact, excess to current and long-range Air Force requirements as bombing and gunnery ranges: thus, an area equal in size to a strip of land 2.8 miles wide from New York to San Francisco, held but excess.

The committee has no basis for any conclusion as to whether the findings of the Stranathan Board with respect to Air Force holdings are representative of the situation throughout the military departments. It does here reiterate its unqualified conviction that no additional public land withdrawals should be finalized—except in cases of most urgent necessity, and then only subject to revocation thereafter if dictated by the results of studies not yet completed—until the Defense Department has reviewed the Stranathan Board findings, and until Defense has in turn insisted on development of similar internal reports on the part of the Departments of the Army and Navy to be followed by detailed scrutiny and evaluation of both at the Defense level.

10. " * * * incalculable wastefulness."

The commendation of the Air Force Board in the body of this report for the Board's forthright and direct assault on Air Force internal control procedures, and the highly critical and constructive

self-analysis resulting will not, of course, obscure the clear message in the findings. The record of this one military department's analysis of its own operations is, in the committee's view, a recitation of incalculable wastefulness—of taxpayers' dollars, of resources within the reservations marked "closed" for so many years to public multiple use and enjoyment, and of unquestionable but immeasurable damaging effect to the local economies from which each unneeded or unused acre was carved.

11. Lost: 303,000 Utah acres

Reference to one other finding should serve as an exclamation point to the committee's plea for early enactment of legislation which will provide a basis for review of military land requests by the Congress.

For 15 years—from 1942 until at least last February 1957—the Air Force has controlled, but admittedly had never used an area of approximately 303,000 acres of land in western Utah, held in conjunction with Wendover Bombing Range. When pressed for an explanation as to why this 500-square-mile area (more than 7 times the size of the entire District of Columbia) had not been used, Air Force witnesses said that it could not have been used because it was traversed on the surface by a major railroad, highway, and pipelines, and overhead by a commercial airway.

In turn, when asked why it had not been released 15 years ago if not used and admittedly not useable, the Air Force witness made it clear that the Air Force did not know it controlled the area, with this explanation:

I think there may be an explanation of that. I know when I first looked into it, it just did not occur to me that we would own land in a bombing and gunnery range under a commercial airway * * *. I think that is probably what beclouded the issue, that the airway was plotted across the map and one would not think of looking for land under it."

12. Navy Nevada land

The committee has, in the body of the report (pp. 40–41, *supra*), brought up to date the developments on the request of the Navy for withdrawal of some 2.8 million acres of land in northern Nevada for use as a gunnery range, and the decision, after many months, that Navy would instead satisfy the bulk of its requirement by using the nearly 2 million acres in southern Nevada declared excess on March 1, 1956, by the Air Force.

It appears that by reason of this decision, to the northern Nevada economy there will be saved within the proposed area all or most of the inheld 35 ranches (ranging in size from 200 to 19,000 acres); 22,400 cattle and 14,000 sheep grazing in the area; 142 patented mining claims, 1,609 unpatented mining claims, and several millions of dollars worth of operating mines, and a priceless wildlife habitat for antelope, mule deer, sage hens, and chukar partridges.

13. Militarizing hunting and fishing

The committee has noted the very substantial progress made in the matter of military-local relationships on hunting and fishing during the past year, with a number of specific accomplishments listed in the body of the report (pp. 42–46, *supra*). It is clear, however, that there

remains some validity in the assertion that exclusive military hunting preserves still exist.

There has been set out in the body of the report, in some detail (pp. 46-50, *supra*), the views of the committee in opposition to the present practice of the "guest of the military" approach, as well as its views on the privileged status of retired military personnel, visiting military personnel, temporary-duty military personnel, and various classes of dignitaries—including Members of Congress—all or some of whom are listed as entitled to hunting and fishing privileges on all or some of the Army's installations. The committee believes that this principal remaining questionable practice should, and can be, reevaluated throughout the military departments where it prevails.

14. The military and petroleum resources

The report of the committee has dealt, at several points, with the effect of the military overwater or offshore range policy on petroleum resources. Reference has been made specifically to the committee's position on San Nicolas Island, Calif. (pp. 50-51, *supra*), and on the Navy's insistence on retaining intact the existing W-92 warning area in the Gulf of Mexico off Louisiana (pp. 51-55, *supra*). It is believed section 6 of H. R. 5538 effectively lays to rest the San Nicolas matter.

The combination of intractability of the Navy in the matter of the W-92 withdrawal area with the unwillingness or inability of the Department of the Interior to act, and the failure of those responsible in the Executive Office of the President to settle a month's old Defense Navy-Interior clash, is simply incomprehensible, for the reasons the committee noted in the body of the report on this subject.

This multiple inaction at the executive level does, however, afford an opportunity for early and decisive disposal by the Congress of the matter, in keeping with the basic objective of recapturing to the legislative branch its too long abandoned constitutional responsibility under the property clause.

The statistical effect of permitting Navy's use of 800,000 acres of the shelf lands overlaid by the W-92 Navy warning areas is this: The taxpayers of the United States are being asked to pay outright (through revenues not received from oil leasing) about \$250 per surface acre of salt-water airspace over the Gulf of Mexico for asserted naval gunnery needs—when the same Navy controls more than 16,000 square miles (13.8 million acres) of other warning areas in the Gulf of Mexico and has had designated there an additional 10,000 square miles (8.8 million acres); further, that the Navy already controls, or has had designated warning areas totaling 236,000 square miles (198.7 million acres) in surface area off the Atlantic and Pacific coasts.

15. "Superrange" plan discarded

From testimony of witnesses representing the Atomic Energy Commission, Air Force, and Navy in 1956, the House committee had expressed concern at the proposal to carve out of public domain a new joint-use "superrange" for ballistics testing purposes in the vicinity of Albuquerque, N. Mex. From testimony last year, it appeared this range might require as much as 10,000 square miles in 1 piece (an area 100 by 100 miles on its extreme axis), or roughly 6 million acres.

Decision of the Air Force to obtain use of the airspace and of non-federally owned lands of lesser area, within and over the Navaho

Indian Reservation, and on terms satisfactory to the tribe, is applauded by the committee as an alternative to the original, and tentative plan.

16. Summation of today's defense needs: "Cubic miles"

The technological advances made in development of our modern utensils of war have outmoded traditional concepts of military land acquisition, management, and control—just as they have made obsolete, over the years, what were called at the height of World War II conventional weapons concepts.

In an age of high-speed, high-altitude, and pilotless aircraft, of ground-to-ground, ground-to-air, air-to-ground, and air-to-air atomic and hydrogen projectiles and missiles, it appears that the United States Defense Establishment had concentrated so much—and so effectively—on the operations aspects of its collective missions that it had at the same time largely ignored updating the procedures and policies governing acquisition, management, utilization, and control of real property deemed necessary to carry out these missions. Put another way, while policies for carrying out the basic defense mission advanced to a supereffective point, policies for assuring vital domestic land and related resources were permitted to remain outmoded, wasteful, stifling to resource development, decentralized, and ineffective.

We have said that if all pending Defense applications were approved today, then defense agencies would control nearly 40 million acres of land surface area in the States and Alaska, and at the same time they would control inland and offshore airspace overlaying a surface area aggregating an astronomical 602,000 square miles (388.9 million acres). The answer to the 1956 plea of this committee that "Defense agencies should get out over water with their ranges" is clear: They're already there.

It is clear to this committee, then, that military use requirements today must be thought of in terms of both horizontal and vertical needs. While the concern and jurisdiction of this committee is limited to the former, and then only where public lands are involved, the committee believes that it is absolutely vital that continuing reevaluations be made of Federal legislation and administrative controls governing the assignment and use of airspace, which does involve the latter.

As reported above, the committee believes that very substantial progress has been recently made by defense agencies in the direction of vastly improved real property procedures, which involves horizontal needs; it is possible that similar studies of defense airspace, or vertical needs, would achieve similar results. This is so because the record made in the 84th Congress, and in this Congress makes it clear that, where we spoke of "military acres" pre-World War II, and "military square miles" by 1945, today those requirements can only be adequately described in terms of "cubic miles."

SECTION-BY-SECTION ANALYSIS OF H. R. 5538

1. Section 1 of the reported measure deals with the withdrawal and reservation for, restriction of, and utilization by, the Department of Defense for defense purposes of the public lands of the United States.

This section declares that, notwithstanding any other provisions of law—except in time of war or national emergency hereafter declared by the President or the Congress—the provisions of the act will take

effect upon enactment. Lands and waters included within the scope of the bill include: public lands of the United States; public lands of the Territories of Alaska and Hawaii; Federal lands and waters of the outer Continental Shelf, as defined in section 2 of the Outer Continental Shelf Lands Act (67 Stat. 462); and Federal lands and waters off the coast of the Territory of Alaska and the Territory of Hawaii.

The committee, in employing the term "public lands," intends it to apply in its technical or legal sense, as distinguished from "reserved public lands" or "withdrawn public lands," and "acquired public lands." It should be noted that section 1 makes clear the application of the provisions to all public lands—as defined therein, and in this report—but does not preclude application of some of the provisions of the bill to other real property owned or controlled by the United States.

The term "Federal lands and waters off the coast" is employed to make clear the intention of the committee that the act's provisions apply to lands and waters lying seaward of the territorial limits of the territories of Alaska and Hawaii.

Subparagraph (2) reflects the intent of the committee that the act not be deemed to apply to withdrawal or reservation of public lands specifically as naval petroleum, naval oil shale, or naval coal reserves.

Subparagraph (3) was approved by the committee in the light of the committee's position that the establishment of existing (pre-August 7, 1953) over-water warning areas does not—in light of enactment of the Outer Continental Shelf Lands Act of August 7, 1953—operate to preclude mineral exploitation and leasing activities under the 1953 act. The committee, with this understanding and position, did conclude that until pending Defense designations under the 1953 act have been processed and disposed of through the procedures established in the reported bill, the warning areas should be left undisturbed.

Subparagraph (4) of the first section excepts from the congressional review sections of the bill, for the reasons set out in the body of the report, five long-established military reservations subject to termination of the unlimited national emergency, and for which Interior on October 27, 1952, authorized continuing use, namely, Williams bomb range, Arizona; Camp Irwin, Calif.; Edwards Base, Calif.; Nellis rifle range, Nevada; and a portion of the Boardman bomb range, Oregon. Testimony from the military departments presented at the Senate hearings revealed that, in all, there exist 16 military reservations which fall into this category. The amendment of section 1 (4) therefore excepts all these areas from sections 1, 2, and 3. A complete listing of these areas is contained in the report received from the Defense Department and signed by Assistant Secretary of the Air Force, Mr. Garlock; that report is printed in full under the heading "Departmental Reports."

It will presently be seen that all or parts of section 4, section 5, and section 6 apply not only to public lands, but to certain other Federal real property as well.

2. Section 2 contains the basic provision of the bill, which establishes a requirement that withdrawals, reservations, or restrictions of more than 5,000 acres in the aggregate for defense purposes may hereafter be made only by act of Congress.

The section contains language which would preclude the making of a number of cumulative withdrawals, each for less than 5,000 acres, where all would be used for any one defense project or facility of the Department of Defense.

Testimony of witnesses for the Department of the Interior made it clear that the great majority of individual applications for any one project or facility in fact involve lands of less than 5,000 acres, and as may be noted below, the Department of Defense in its report does not object to this section of the act. In testimony given subsequent to the receipt of the Defense Department report, witnesses for the Department of Defense directly negated a question as to whether the 5,000-acre breaking-point in the bill would unduly hamper or interfere with carrying out of the defense mission.

3. Section 3 would lay a more adequate base for fully determining at the local level and for congressional consideration the resource impact of proposed withdrawals.

Defense agencies would continue to file applications for withdrawal, reservation, or restriction of public lands with the appropriate local land office of the Bureau of Land Management, or with the Department of the Interior, just as is done under present procedure. Continuance of this procedure would accomplish the same dual effect achieved by existing practices: First, the recordation of the application in the appropriate office has the effect of segregating, temporarily, the lands requested from all forms of entry under the lands laws, thus serves as a sound antispeculation measure; second, continuance of existing procedure would provide notice at the local and State level—through requisite Federal Register publication and/or press releases issued by Bureau of Land Management State supervisors—that the application had been made.

Thereafter, if the aggregate acreage of public lands included within the proposed withdrawal, reservation, or restriction falls within the requirements of H. R. 5538 as evidenced by the public lands records maintained by the Department of the Interior, the Department of the Interior would then develop, for transmission to the Congress, proposed legislation having as its purpose effecting the withdrawal requested, and containing such provisions for continued operation of the public lands laws within the area proposed to be withdrawn as may be determined to be compatible with the intended military use.

To achieve these objectives, section 3 would require applications to specify, in addition to the name of the requesting agency, using agency, location and description of boundaries of the area, and gross acreage involved: the purpose or purposes—unless classified for national security reasons—for which the area is proposed to be withdrawn; whether contamination will result, and if so, whether such contamination will be permanent or temporary; the extent, if any, to which the proposed use will affect full operation of the public-land laws and Federal regulations relating to conservation, utilization, and development of mineral resources, timber, and other material resources, grazing resources, fish and wildlife resources, water resources, scenic, wilderness, recreational and other values; and, if the area to be withdrawn involves the use of water, the agency would be required to state whether, subject to existing rights under law, it has acquired or

intends to acquire rights to the use of the water in conformity with State laws and procedures relating to the control, appropriation, use, and distribution of water.

Relating of these requirements in the proposed bill to the findings of the committee, as set out hereinbefore, should make abundantly clear the reasons why they are included, and the results the committee believes will be achieved.

One observation needs to be made: The record made by the committee suggests that applicant defense agencies have tended to turn to the clause—

* * * if the purpose or purposes are classified for national security reasons * * *

as a device to relieve them of the burden of making known the general purpose for which such area are to be withdrawn. It does not appear that such generalized terms as “gunnery range,” “bombing range,” “missiles range,” and the like would seriously threaten the national security, particularly when the areas involved may range from 1,500 to 3,000 square miles in area, an area of such size that it simply cannot be subtly and deftly removed from the operation of the public lands laws without generating substantial local interest, and interest of the State or Territory affected.

4. Section 4 has as its objective substantially reducing the areas of present and continuing conflict between State and Territorial officials and the commanding officers of military installations and facilities involving the management, conservation, and harvesting of fish and game resources, and the enforcement of fish and game laws of the State or Territory within military installations or facilities.

This section, as was noted in the comments on section 1, applies not only to reserved public land reservations, but to acquired lands as well; its broad purpose is to make State hunting, fishing, and trapping laws applicable as Federal laws on all military installations.

Section 4 (a) (1) would require that all hunting, trapping, and fishing on all military installations and facilities—including those falling presently within the “exclusive Federal jurisdiction” status—be in accordance with the fish and game laws of the State or Territory in which such lands are located. It would require that State or Territorial licenses be obtained for hunting, trapping, and fishing on any such areas if local law (i. e., State or Territorial law) authorizes license issuance to Armed Forces members on bona fide military duty for more than 30 days at such installation within the State or Territory involved, without regard to residence requirements, and upon terms no less favorable than those upon which such a license is issued to residents.

This subsection anticipates affirmative action being taken by some States before hunting, trapping, or fishing within such reservations must be licensed by State law; it does not anticipate that for such activities outside such reservations the same preferred treatment must be afforded military personnel. Since subparagraph (1) of section 4 (a) requires that all hunting, trapping and fishing at the installation or facility be in accordance with the fish and game laws of the State or Territory in which it is located, the clear intent is that such activities can be conducted if at all, only in accordance with State law

relating to season and bag limits, methods of taking, etc., even though the military personnel are not required to comply with State licensing requirements within the reservation because of the State's failure to establish preferential treatment with respect to residence.

In other words, hunting within all such reservations—with or without State provisions establishing preferred military treatment—can only be conducted after the effective date of the act, if in compliance with State fish and game laws, excepting licensing. The State may or may not provide for preferred treatment outside such reservations to be assured State licensing within such reservations, if the State has met the residence waiver requirements of this subparagraph.

Possible dual construction of the clause "for a period of more than 30 days" deserves clarifying comment: if an individual is actually assigned on bona fide military duty by orders providing for duty status at the installation involved, so that his orders require his presence at the installation for a minimum of 30 days, he would then be eligible for a license under the preferred status provisions when first physically present for duty on such orders.

Subsection 4 (a) (3) mandates the Secretary of Defense, in cooperation with the appropriate governor or his designee, and subject to safety and military security requirements, to develop procedures whereby State or Territorial fish and game or conservation officials may have full access thereto—

* * * to effect measures for the management, conservation, and harvesting of fish and game resources.

The quoted language anticipates not only that the obvious results will be achieved, but the possibility that—in areas where insufficient military personnel are present to adequately enforce fish and game laws, such as the case at Camp McCoy, Wis., referred to above—State game officials may be deputized as Federal marshals to assure adequate enforcement.

Subsection 4 (b) requires the Secretary of Defense to prescribe regulations to carry out the provisions of section 4, and reflects the committee's conclusion that only through such a provision will there be assurance that regulations are to be uniform at all Army, Navy, Marine, and Air Force installations.

Subsection 4 (c) provides that violations of the State and Territorial fish and game laws made applicable to military installations and facilities are violations of Federal law, and subject to like punishment as though committed or omitted within the State or Territorial jurisdiction.

Lastly, subsection 4 (d) specifically recites that rights granted by treaty or otherwise to any Indian tribe or members thereof are not modified by the provisos dealing with fishing, trapping, and hunting.

Special reference should be made to the applicability of this section to the Territory of Alaska, and military installations located therein. There is set out hereafter a letter (see p. 85) from the Alaska Game Commission, recommending amendments to make it clear that Alaska's present requirement that military personnel must actually be present in Alaska for a 12-month period before becoming entitled to a resident hunting license. The committee, for the reasons assigned by the Alaska Game Commission spokesman in his appearance before the

committee, agrees that this licensing provision should not be changed at this time in Alaska; however, the committee has concluded that, without any amendment, the special 30-day provision would not be applicable in Alaska, since the law governing fishing and hunting in Alaska (including licensing provisions) is presently a Federal law, rather than the law of a "State or Territory."

5. Section 5 would amend in two particulars the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

First, it would except from the real property-disposition provisions of the 1949 act, minerals in withdrawn or reserved public domain lands which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws.

Second, it amends the 1949 act to provide that only those withdrawn or reserved public domain lands surplus to the needs of Federal agencies found by the Secretary of the Interior—with the concurrence of the Administrator of General Services—not suitable for restoration to public land status by virtue of their having been substantially changed in character by improvements, or otherwise, would hereafter be subject to the real property disposition provisions of the amended 1949 act.

Both of these amendments would clarify the operation of existing law; one would make it clear that only when determined by the Secretary to be not suitable for mining or mineral leasing purposes would the mineral estate pass with the title to the surface estate being disposed of under surplus property provisions; the other would reverse the roles of the Secretary and the Administrator so as to provide that the Secretary would make an initial judgment of the nature with which his Department is most familiar—suitability of lands for public land uses, a traditional Interior function—and if the Administrator concurs in a finding of nonsuitability, the lands would be disposed of as surplus.

6. Section 6: Finally, the reported measure provides, in section 6, that all minerals in withdrawn or reserved public lands—except lands withdrawn or reserved specifically as naval petroleum, naval oil shale, or naval coal reserves—are under the jurisdiction of the Secretary of the Interior, and that no disposition thereof shall be made except under—

* * * the applicable public land mining and mineral leasing laws.

Read together with the committee findings above respecting the Defense position on petroleum resources, the object and purpose of this section are clear. Until the presentation by Defense witnesses on petroleum reserves, and the effect of the prospective airspace withdrawal on pending applications for restriction of outer Continental Shelf lands, committee members had believed there was universal agreement that responsibility for disposition of minerals in withdrawn or reserved public lands was exclusively vested in the Secretary of the Interior.

Enactment of this section into law actually constitutes a restatement of the law as it is today, in the view of the committee and the Department of the Interior. In short, as declared above, the provisions of section 6 of the reported bill will serve to remove whatever doubts

may exist, if any, as to the laws which govern the disposal of or exploration for, any and all minerals, including oil and gas, in public lands of the United States heretofore or hereafter withdrawn or reserved by the United States for the use of defense agencies.

COMMITTEE CONCLUSION, RECOMMENDATION

In recommending early favorable action on H. R. 5538, the committee wishes to reiterate what it said above:

The program for the defense of our Nation's human and natural resources should not—and must not—be so conducted as to destroy the very resources it is aimed at preserving.

H. R. 5538 is a bill for the recapture by the Congress of a degree of those powers which the executive branch of the Government has acquired over a long period of years with respect to utilization of this Nation's most valuable assets, the human and natural resources of the public lands.

Its early enactment will operate to return to the legislative branch the degree of control the committee believes necessary to assure that defense use of the public lands presently held will more nearly conform to long-established maximum public multiple resource use policy, and will make certain that future public-lands acquisition by the military will be so conditioned as to assure conformance with the same policy.

The Senate Committee on Interior and Insular Affairs unanimously recommends the enactment of H. R. 5538.

DEPARTMENTAL REPORTS

The reports of the Department of Defense and the Department of the Interior on H. R. 627, which as a clean bill is herewith reported as H. R. 5538, are set out following, together with the aforementioned letter from the Office of the Administrator, Alaska Wildlife Resources, speaking both for his agency and the Alaska Game Commission, and a report from the Defense Department to Chairman Murray.

DEPARTMENT OF THE INTERIOR.

OFFICE OF THE SECRETARY,
Washington, D. C., February 4, 1957.

HON. CLAIR ENGLE,

*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.*

DEAR MR. ENGLE: This is in reply to your request for the views of this Department on H. R. 608, H. R. 627, H. R. 1148, and H. R. 3403, all of which are bills to provide that withdrawals or reservations of more than five thousand acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress.

We would have no objection to the enactment of these bills.

H. R. 608, H. R. 627, H. R. 1148, and H. R. 3403 are identical bills which concern the withdrawal, reservation, and utilization for defense purposes of the public lands of the United States, except in time of war

or national emergency declared by the President or by act of Congress. Their basic provision, which is contained in section 2, is a requirement that withdrawals or reservations of more than 5,000 acres in the aggregate for the use of the Department of Defense for defense purposes be made only by act of Congress. Section 1 provides that for the purpose of this act the term "public lands" will include Federal lands and waters off the coast of the Territory of Alaska and the lands and waters of the Outer Continental Shelf. It is our understanding that the provisions of section 2 of the bills would apply to all areas of public lands, including water areas on the Outer Continental Shelf, which are not at present withdrawn by acts of Congress, proclamations, Executive orders, or public-land orders, and that any water or land areas which may at present be used by the Department of Defense or which may be rendered dangerous or unsuited to surface use or mineral exploration and development by reason of air activity on the part of that Department could not, if any one of the bills is enacted, be used in such manner unless or until the land was withdrawn or reserved pursuant to the provisions of the resulting legislation.

Section 12 (d) of the Outer Continental Shelf Lands Act (67 Stat. 469; 43 U. S. C., sec. 1341 (d)) provides for the designation of restricted areas on the Outer Continental Shelf rather than for their "withdrawal or reservation," and, although sections 2, 3, and 6 of the bills refer only to "withdrawals and reservations," it appears that the language of section 1 is broad enough to include such designations. If, however, there is any doubt in this regard, it is suggested that sections 2, 3, and 6 be amended to include such designations since, otherwise, the purpose sought by the proposed legislation might be defeated. These bills would in effect amend subsections (a) and (d) of section 12 of the Outer Continental Shelf Lands Act insofar as areas of more than 5,000 acres are concerned. At this time no restricted areas have been designated in accordance with section 12 (d).

Section 3 sets forth in detail the information which must be given in any application for a withdrawal or reservation of more than 5,000 acres filed by or on behalf of any agency of the Department of Defense. The agency would be required, in addition to giving other information, to say whether, and to what extent, the proposed use would affect the continuing full operation of the public land laws and Federal regulations relating to conservation, utilization, and development of mineral resources, timber and other material resources, water resources, grazing resources, fish and wildlife resources, and scenic, wilderness, and recreational resources. Moreover, if effecting the purpose for which an area is to be withdrawn or reserved would involve the use of water in any State lying in whole or in part west of the 98th meridian, the agency would be required to state whether it, subject to existing rights under law, had acquired or intended to acquire rights to the use of the water in conformity with state laws and procedures relating to the control, appropriation, use, and distribution of water. Though section 3 sets forth in considerable detail the information to be included in applications for withdrawals or reservations of public lands of more than 5,000 acres, it does not go further into the problem of what is involved in such applications. We assume, therefore, that the initial procedures to be followed would be substantially those established for the withdrawal or reservation of

lands for the use of Federal or State agencies, 43 C. F. R. 295.9 et seq (1954). If such procedures were followed, we assume that it would then be the responsibility of the Secretary of the Interior to forward to the Congress the application for a withdrawal or reservation of more than 5,000 acres.

Under section 4 the head of each military department would, with respect to each military installation under his jurisdiction, be directed to require that all hunting, trapping, and fishing be in accordance with the fish and game laws (including, in general, laws requiring licenses) of the State or Territory in which the installation or facility was situated and to afford adequate access to State and Territorial fish and game representatives for the purpose of effecting measures for the management, conservation, and harvesting of fish and game resources. Any person, found guilty of an act or omission violating a requirement established under section 4 when the act or omission would be punishable if done within the jurisdiction of the State or Territory within the boundaries of which the installation or facility is situated, would be subject to the same penalties as those prescribed by the State or Territory for such an act or omission. The hunting, fishing, and trapping rights of Indians would be protected. The apparent objectives of section 4, namely, the preservation of wildlife and the coordination of enforcement and conservation measures, are laudable. We suggest, however, that the procedures may raise serious jurisdictional questions.

Section 5 would amend section 3 (d) of the Federal Property and Administrative Services Act (63 Stat. 378), as amended (40 U. S. C., sec. 472 (d)), to grant the Secretary of the Interior a greater degree of control than he possesses at present over the disposition of public domain lands which are found to be excess to the needs of the Federal Government. The principal change is to vest in the Secretary of the Interior, with the concurrence of the Administrator of General Services, the determination of whether lands withdrawn or reserved from the public domain, which are no longer needed for the purpose for which they were withdrawn or reserved, are suitable for return to the public domain for disposition under the public-land laws. Under the existing law the determination is made by the Administrator with the concurrence of the Secretary. The proposed change is highly desirable. Section 3 (d) would also be amended so that it would specifically provide that minerals in excess withdrawn or reserved public lands which the Secretary of the Interior determines to be suitable for disposition under the public land mining and mineral leasing laws be disposed of under those laws. This amendment is also desirable.

Section 6 provides that all withdrawals and reservations of public lands for the use of the Department of Defense (except lands withdrawn or reserved specifically as naval petroleum, oil shale, or coal reserves shall be deemed to be subject to the condition that all minerals in those lands so withdrawn or reserved are under the jurisdiction of the Secretary of the Interior and that no disposition shall be made of minerals in such lands except under the applicable public-land mining and mineral leasing laws. Although such a provision may not be necessary, we regard its enactment as desirable. It would continue to be a matter of discretion whether the minerals in the lands in question would be made subject to disposal, and deposits would not be opened to

disposition, if it would be contrary to the public interest (including national security). Under long-established procedures of the Department of the Interior no disposition is made of minerals within withdrawn or reserved areas without the concurrence of the head of the agency administering the withdrawn or reserved lands. If the Congress wants the mining laws to apply to these withdrawals and reservations, section 6 should be amended to provide that mining locations would be subject to the primary right of the Department of Defense to use the lands for defense purposes so long as the withdrawal or reservation is maintained, and to provide for appropriate reservations in patents. This would be consistent with such recent legislation as the act of August 11, 1955 (69 Stat. 682; 30 U. S. C., secs. 621-625), which opened lands in power site withdrawals to mineral development subject to the paramount right of the United States to use the lands for power purposes.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

HATFIELD CHILSON,
Assistant Secretary of the Interior.

DEPARTMENT OF THE AIR FORCE,
Washington, January 28, 1957.

HON. CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives.*

DEAR MR. CHAIRMAN: The Department of the Air Force on behalf of the Department of Defense is submitting this supplementary report with respect to the views of the Department of Defense on H. R. 12185, 84th Congress, reintroduced as H. R. 627, 85th Congress, a bill to provide that withdrawals or reservations of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress.

On April 21, 1956, the Air Force expressed to you opposition to H. R. 9448, 84th Congress, a bill to provide that public lands of the United States shall not be withdrawn or reserved for defense purposes except by act of Congress. Later the bill was superseded by H. R. 10362, 10366, 10367, 10371, 10372, 10377, 10380, 10384, 10394, and 10396, bills to provide that withdrawals or reservations of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress. In our report to you on those bills, dated June 12, 1956, no objection was taken to the main purpose of the legislation which would require an act of Congress where a defense agency desires to withdraw or reserve an area of public land exceeding 5,000 acres. However, objection was made to section 4; which, in addition to other things, proposed State or Territorial control of hunting and fishing in public lands held by defense agencies under exclusive Federal legislative jurisdiction and which would have directly or indirectly required military personnel in some cases to purchase nonresident licenses in order to hunt or fish in such areas. Objection was also made to section 6, which would have required State control of water utilization in such areas. This De-

partment's report also recommended clarification of section 3, which would require the making and filing of an application where an agency of the Defense Department seeks to withdraw or reserve over 5,000 acres of public lands.

In his letter to you, dated June 28, 1956, Secretary of Defense, Charles E. Wilson, expressed a desire, held equally by each of the military departments, to cooperate with your committee in its views, regarding hunting and fishing and he reiterated in detail the problem relating to nonresident hunting and fishing licenses.

The subsequent introduction of H. R. 12185, a clean bill bearing the same title as H. R. 10362, above, accomplished certain changes in the proposed legislation. Section 4, dealing with hunting and fishing, was modified to conform substantially with the drafting service provided by this Department in cooperation with representatives of the Army and Navy and the Department of Defense. There is now no objection to section 4. However, you may wish to consider bringing section 4 into conformity with title 10 of the United States Code by enacting it as an amendment to that title. To assist your committee, should you wish to conform section 4, I attach a draft intended to accomplish that purpose without changing the substance of the section. Section 6, the water control section, has been deleted from H. R. 12185, and section 3, the application section, has been clarified through references made on page 39 of House Report 2856, 84th Congress, 2d session.

However, in the closing days of the 2d session of the 84th Congress, H. R. 12185 was introduced, reported without amendment, and passed by the House of Representatives. Time did not permit action by the Senate, nor did it permit adequate consideration by the Department of Defense of new proposals which were not mentioned in the former bills. For one thing, the scope of the legislation was broadened by H. R. 12185 to cover withdrawals or reservations of Federal lands and waters of the outer Continental Shelf and Federal lands and waters off the coast of the Territory of Alaska. It also added a new section 6 declaring that all minerals in withdrawn or reserved public lands except lands withdrawn or reserved specifically as naval petroleum, naval oil shale, or naval coal reserves are under the jurisdiction of the Secretary of the Interior, and that no disposition thereof shall be made except under the applicable public land mining and mineral leasing laws.

The provision in section 1 of the bill raises certain questions which need clarification. While it appears from the bill as presently worded that the President's authority under existing law to set aside as naval petroleum reserves any lands already withdrawn or reserved is not impaired, it appears that the bill would preclude the President from withdrawing or reserving additional lands for such purposes. The Department of Defense considers it essential that the President retain this authority. The bill recognizes the fact that naval petroleum reserves present a different problem and has specifically excluded such reservations or withdrawals from section 6 of the proposed legislation. It is therefore recommended that section 1 of the bill be amended by adding thereto the following:

"Provided further, That nothing in this Act shall affect the President's authority to withdraw or reserve lands specifically as naval petroleum, naval oil shale, or naval coal reserves."

The bill also refers to withdrawals and reservations. Section 12 (d) of the Outer Continental Shelf Lands Act, Public Law 212, 83d Congress (67 Stat. 472), permits "designation" of areas falling within the definition of the outer Continental Shelf by the Secretary of Defense with the approval of the President. One question is whether the bill would apply to such designations. If so, then the bill repeals by implication the authority granted in section 12 (d) to the extent that any designations thereunder covers 5,000 or more acres of the outer Continental Shelf as defined in the act. Further, as to such areas as may have been designated pursuant to section 12 (d) by the Secretary of Defense and not yet approved by the President, will the bill require for these areas that an act of Congress be obtained? In addition, prior to the passage of the Outer Continental Shelf Act certain areas which would now fall within the definition of the outer Continental Shelf were designated as warning areas for defense purposes. Insofar as such areas may have covered more than 5,000 acres, would it be required under this bill that an act of Congress be obtained as a condition precedent to continued utilization? As to the latter two cases it is believed the bill should not apply in the event. It would seem, therefore, that to preclude possible misconstruction of the language of the bill, further clarification as to the application of the provision is desirable.

Section 6 would permit leasing to private interests and use by other Government agencies of public lands set aside for military purposes. We feel very strongly that a condition should not be created wherein the activities of other Government agencies and private interests could inadvertently impair the effectiveness of military operations, and thus defeat the purpose for which such public lands have been set aside. Accordingly, it is recommended that section 6 be revised as follows in order to protect national defense interests:

"SEC. 6. All withdrawals and reservations of public land for use of any agency of the Department of Defense, except lands withdrawn or reserved specifically as naval petroleum, naval oil shale, or naval coal reserves, which are heretofore or hereafter made by the United States, shall be deemed to be subject to the condition that all minerals in the lands so withdrawn or reserved are under the jurisdiction of the Secretary of the Interior, and no disposition shall be made of minerals in such lands except under the applicable public land mining and mineral leasing laws: *Provided*, That no disposition shall be made of mineral rights in such lands where the Secretary of Defense determines that such disposition is inconsistent with the military use of the lands so withdrawn or reserved."

Since section 6 of the prior bills, which deals with water rights, was eliminated from H. R. 12185, it is therefore suggested that subsection (8) of section 3 be deleted from the bill.

The Department of Defense considers that the legislation would not affect permits granted by the Department of the Interior to the military departments as distinct from withdrawals or reservations.

This supplementary report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

When the Bureau of the Budget clearance is obtained, your committee will be so informed.

Sincerely yours,

LYLE S. GARLOCK,
Assistant Secretary of the Air Force.

H. R. 627

Strike out beginning on line 8, page 4, through line 24, page 5, and insert the following in place thereof:

“SEC. 4. Chapter 159 of title 10, United States Code, is amended as follows:

“(1) By adding the following new section at the end:

“§ 2671. *Military reservation and facilities: hunting, fishing, and trapping*

“(a) The Secretary of each military department shall, with respect to each military installation or facility under the jurisdiction of his department in a State or Territory—

“(1) require that all hunting, fishing, and trapping at that installation or facility be in accordance with the fish and game laws of the State or Territory in which it is located;

“(2) require that an appropriate license for hunting, fishing, or trapping on that installation or facility be obtained, except that with respect to members of the Armed Forces, such a license may be required only if the State or Territory authorizes the issuance of a license to a member on active duty for a period of more than 30 days at an installation or facility within that State or Territory, without regard to residence requirements, and upon terms not less favorable than the terms upon which such a license is issued to residents of that State or Territory; and

“(3) develop, subject to safety requirements and military security, and in cooperation with the Governor (or his designee) of the State or Territory in which the installation or facility is located, procedures under which designated fish and game or conservation officials of that State or Territory may, at such time and under such conditions as may be agreed upon have full access to that installation or facility to effect measures for the management, conservation, and harvesting of fish and game resources.

“(b) The Secretary of each military department with the approval of the Secretary of Defense, shall prescribe regulations to carry out this section.

“(c) Whoever is guilty of an act or omission which violates a requirement prescribed under subsection (a) (1) or (2), which act or omission would be punishable if committed or omitted within the jurisdiction of the State or Territory in which the installation or facility is located, by the laws thereof in effect at the time of that act or omission, is guilty of a like offense and is subject to a like punishment.

“(d) This section does not modify any rights granted by treaty or otherwise to any Indian tribe or to the members thereof.”

“(2) By adding the following new item at the end of the analysis:

“2671. *Military reservations and facilities: hunting, fishing, and trapping.*”

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, May 31, 1957.

HON. JAMES E. MURRAY,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate.*

DEAR MR. CHAIRMAN: Reference is made to the report of May 9, 1957, which was transmitted to you by this Department on behalf of the Department of Defense with respect to S. 557, 85th Congress, a bill to provide that withdrawals or reservations of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress. Since H. R. 5538, 85th Congress, a bill to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress, and for other purposes, was to be the subject of hearings by your committee, the comments of the Department of Defense were addressed to that legislation.

In view of the urgency for receipt of that report by the committee, the report was submitted to the committee without a determination by the Bureau of the Budget as to whether it conformed to the program of the President.

This is to inform you that the Bureau of the Budget, on May 23, 1957, advised this Department that it had no objection to the report submitted to you on May 9, 1957.

Sincerely yours,

JOE W. KELLY,
Major General, United States Air Force, Director, Legislative Liaison.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, May 9, 1957.

HON. JAMES E. MURRAY,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate.*

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to S. 557, 85th Congress, a bill to provide that withdrawals or reservations of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress. The Secretary of Defense has delegated to this Department the responsibility for expressing the views of the Department of Defense.

H. R. 627, a companion bill to S. 557, was considered by the House Committee on Interior and Insular Affairs, which reported a clean bill, H. R. 5538, a bill to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress, and for other purposes. This latter bill was passed by the House of Representatives with amendments on April 11, 1957, and will be the subject of hearings by your committee. Therefore,

the comments of the Department of Defense will be addressed to H. R. 5538.

H. R. 5538 concerns the withdrawal and reservation for, restriction of, and utilization by the Department of Defense for defense purposes of public lands of the United States, including the Territories of Alaska and Hawaii, except in time of war or national emergency declared by the President or the Congress. Section 1 of the legislation includes within the definition of public lands the Federal lands and waters of the outer Continental Shelf and the Federal lands and waters off the coast of the Territories of Alaska and Hawaii; excepts from the legislation the withdrawal or reservation of public lands specifically as naval petroleum, naval oil shale, or naval coal reserves; excludes from the legislation the warning areas over the Federal lands and waters of the outer Continental Shelf and Federal lands and waters off the coast of the Territory of Alaska reserved for use of the military departments prior to the enactment of the Outer Continental Shelf Lands Act (67 Stat. 462); and excepts from the legislation five military installations, which reservations or withdrawals expired due to the ending of the unlimited national emergency and are now used by the military departments with the concurrence of the Department of the Interior. Section 2 requires that an act of Congress be obtained prior to the withdrawal, reservation, or restriction of more than 5,000 acres in the aggregate for any 1 defense project or facility of the Department of Defense. Section 3 specifies the information which must be contained in the application for withdrawal or reservation pursuant to this legislation. Section 4 requires that all hunting, trapping, and fishing on any military installation or facility shall be in accordance with the fish and game laws of the State or Territory in which such lands are located. This section also provides for licensing requirements for military personnel who engage in such activities on such lands, and for the development of management and conservation practices, and declares that violations of State and Territorial fish and game laws shall be considered violations of Federal law. Section 5 of the legislation would amend section 3 (d) of the Federal Property and Administrative Services Act of 1949, as amended. Section 6 provides that all minerals, including oil and gas, in withdrawn or reserved public lands, except lands withdrawn or reserved specifically as naval petroleum, naval oil shale, or naval coal reserves are under the jurisdiction of the Secretary of the Interior, and that no disposition of, or exploration for, minerals shall be made except under the applicable public land mining and mineral leasing laws and where the Secretary of Defense, after consultation with the Secretary of the Interior, determines that same is not inconsistent with the military use of such lands.

The Department of the Air Force on behalf of the Department of Defense interposes no objection to the enactment of H. R. 5538, subject to the recommendations noted below.

Certain public domain lands now in the possession of, and used by, the military departments were withdrawn by virtue of public land orders or Executive orders which limited the effective period of such withdrawal to the duration of the unlimited national emergency proclaimed on May 27, 1941 (Proclamation No. 2487), and for 6 months thereafter. That period expired on October 28, 1952, by virtue of

Proclamation No. 2974, which terminated the unlimited national emergency as of April 28, 1952. With the exception of the public domain lands withdrawn pursuant to Executive Orders 8651 and 9042 (Boardman precision bombing range, Oreg.) and Public Land Order 281 (Chocolate Mountain gunnery range, Northern, known as Camp Dunlap range, Calif.), all of the public domain lands noted in the attached enclosure are referred to in the Executive orders and public land orders enumerated in the letter of October 27, 1952, from the Assistant Secretary of the Interior to the Secretary of the Air Force, which authorizes their continued use. A copy of this letter is attached. An identical letter was sent to the Secretary of the Army. The public domain lands listed in the enclosure have already been reported among the public domain lands currently held by the military departments, and the continuation of their present status would not result in an increase in the inventory of land held by the military departments. Since the military departments have maintained uninterrupted possession and use of these lands since the date of the original orders and there exists a continuing need for such use, it is recommended that section 1 (4) of H. R. 5538 be amended so as to be applicable to all of the lands noted in the enclosure referenced above. To effect this recommendation the following revision is proposed:

"(4) nothing in sections 1, 2 or 3 of this Act shall be deemed to be applicable to those reservations or withdrawals which expired due to the ending of the unlimited national emergency of May 27, 1941, and which subsequent to such expiration have been and are now used by the military departments with the concurrence of the Department of the Interior."

Section 3 of the legislation specifies the information which must be contained in the application for a withdrawal, reservation or restriction pursuant to this legislation. Section 3 (8) of H. R. 5538 provides generally that future applications for military withdrawals, reservations or restrictions shall specify whether, subject to existing law, the military department has acquired, or proposes to acquire, rights to the use of water in conformity with State law and procedures. The question whether the Federal agencies shall comply with State law in the acquisition and use of water rights on public domain and other lands has been, and is, the subject of legislation introduced in the last and the current session of Congress, i. e., S. 863, 84th and 85th Congresses. Since enactment of pending legislation would provide a predetermined answer to the requirements of section 3 (8), it is believed that the germane facts would be available to the Committees on Interior and Insular Affairs in consideration of future applications for withdrawal.

The Department of Defense has no objection to section 4 of H. R. 5538 which pertains to hunting, fishing, and trapping on military installations and facilities. The Department of Defense policy on hunting and fishing, as reflected in Department of Defense Instruction No. 5500.3 dated October 31, 1956, is consistent with this legislation. It is the understanding of the Department of Defense that the words "for a period of more than 30 days" which appear in lines 1 and 2 of page 6 of H. R. 5538, mean that if an individual is actually assigned on bona fide military duty status at the installation involved, so that his orders require his presence at the installation for a mini-

num of 30 days, he would be eligible for a license when first physically present for duty on such orders. It is the further understanding of the Department that the license which the State would issue to military personnel under the conditions cited would be the same as the resident license that is issued to other residents of the State and would thereby permit the service member concerned to hunt or fish both within and outside the military reservation to which he may be assigned. To do otherwise would result in the anomalous situation of a serviceman being required in these States which have a minimum residence requirement, to purchase a "resident" license to hunt or fish on the military installation concerned, and at the same time, to purchase a non-resident license to hunt or fish elsewhere in the State.

Since section 5 of H. R. 5538 would amend section 3 (d) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended, it is suggested that the committee may wish to obtain the views of the Department of the Interior and the General Services Administration thereon.

The Defense Department has no objection to section 6 of H. R. 5538, which places all minerals, including oil and gas, in public lands withdrawn or reserved for agencies of the Department of Defense, except lands withdrawn or reserved specifically as naval petroleum, naval oil shale, or naval coal reserves, under the jurisdiction of the Secretary of the Interior. The section further provides that no disposition of, or exploration for, any minerals in such lands shall be made where the Secretary of Defense, after consultation with the Secretary of the Interior, determines that such disposition or exploration is inconsistent with the military use of the lands so withdrawn or reserved.

The Department of Defense considers that the legislation would not affect permits granted by the Department of the Interior to the military departments as distinct from withdrawals or reservations.

The fiscal effect of this legislation cannot be estimated by the Department of Defense. It is anticipated that its enactment will increase administrative expenses.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

In view of the urgency for receipt of this report, time has not permitted the submission of this report to the Bureau of the Budget for advice as to its relationship to the program of the President. When such advice is available, it will be forwarded to your committee.

Sincerely yours,

LYLE S. GARLOCK,
Assistant Secretary of the Air Force.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., October 27, 1952.

HON. THOMAS K. FINLETTER,
Secretary of the Air Force, Washington, D. C.

MY DEAR MR. SECRETARY: Reference is made to a letter of October 15, 1952, from the Deputy Chief of Real Estate, Office of the Chief of Engineers, Department of the Army, reporting that certain lands

withdrawn for the Departments of the Army and the Air Force will be needed for an indefinite period beyond October 28, 1952, the date when the jurisdiction over the lands will revert to other agencies because of the termination of the unlimited national emergency.

As requested by the Deputy Chief, permission is hereby granted to the Department of the Air Force to continue the use of the lands embraced in such of the withdrawals as were made for its use by the Executive orders and public land orders hereinafter listed, pending the issuance of a public land order revoking the limitation of 6 months after the termination of the emergency contained in the existing withdrawals. This permission is subject to valid existing rights, the provisions of existing withdrawals, and the provisions of any public land order that may be issued revoking the time limitation.

Executive Orders Nos. 8101, 8102 as amended, 8343 as amended, 8450, 8507 as amended, 8577, 8578, 8579, 8636, 8652, 8755 as amended, 8789 as amended, 8830, 8847 as amended, 8872, 8877, 8884, 8892, 8954, 8957, 9000, 9020, 9053, 9104 as amended, 9153-A as amended, 9215.

Public Land Orders Nos. 6, 10, 15, 26, 47, 56, 58, 66, 85, 87, 89, 95 as amended, 97 as amended, 98, 103, 164, 168, 172, 207, 255, 265 as amended, 274, 280, 36 as amended.

Sincerely yours,

/s/ JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

Net acres of public lands by military departments in excess of 5,000 acres within the purview of sec. 1 (4) of H. R. 5538, 85th Cong.

Department of the Army	702,858
Department of the Navy	218,408
Department of the Air Force	8,555,944
Total	9,477,210

DEPARTMENT OF THE ARMY

Installation name	Executive order or public land order	Date issued	Net acres
Camp Irwin, Calif.	Executive Order 8507 ..	Aug. 8, 1940	617,538
Fort Richardson, Alaska (including Elmendorf AFB).	Executive Order 8102 ..	Apr. 29, 1939	28,803
Do	Executive Order 8343 ..	Feb. 10, 1940	5,707
Do	Executive Order 8755 ..	Oct. 12, 1942	18,600
Do	Public Land Order 95 ..	Jan. 30, 1941	1,275
Do	Public Land Order 274 ..	Apr. 17, 1945	52
Total			54,434
Point Campbell ACS receiver site, Alaska	Public Land Order 265 ..	do	5,000
Deseret Depot activity, Toole, Utah	Public Land Order 15 ..	July 21, 1942	9,501
	Public Land Order 66 ..	Nov. 30, 1942	5,665
Total			15,166
Fort Greely, Alaska (Big Delta maneuver site)	Public Land Order 255 ..	Dec. 15, 1944	10,720
Total			702,858

DEPARTMENT OF THE NAVY

Installation name	Public Land Order—	Date issued	Net acres	Remarks
Chocolate Mountain gunnery range, Northern (known as Camp Dunlap range), Calif.	281	May 29, 1945 ..	218,408	Amended by Executive Order No. 893.

DEPARTMENT OF THE AIR FORCE

Installation name	Executive order or public land order	Date issued	Net acres	Remarks
Boardman precision bombing range, Oreg.	Executive Order 9000.	Dec. 26, 1941	640	To be added to letter Oct. 27, 1952. Do.
Do.....	Executive Order 8651.	Jan. 23, 1941	36,041	
Do.....	Executive Order 9042.	Jan. 26, 1942	640	
Total.....			37,321	
Luke-Williams Air Force range, Arizona.	Public Land Order 56.	Nov. 6, 1942	949,000	Public Land Order No. 211 revokes 5 acres of Public Land Order No. 97; amended by Public Land Order No. 680.
Do.....	Executive Order 9215.	Aug. 6, 1942	640	
Do.....	Executive Order 8892.	Sept. 5, 1941	1,077,500	
Do.....	Public Land Order 97.	Mar. 16, 1943	149,100	
Total.....			2,176,240	
Thornbrough Air Force Base, Alaska.	Public Land Order 103.	Mar. 27, 1943	34,000	Amended by Executive Order No. 9018.
Nellis Air Force range, Nevada.	Executive Order 8578.	Oct. 29, 1940	3,101,840	
Do.....	Public Land Order 58.	Nov. 12, 1942	25,294	
Total.....			3,126,334	
Nellis rifle and pistol range annex, Nevada (formerly Sheep Mountain range).	Public Land Order 8954.	Nov. 27, 1941	21,334	Returned to Interior 46,934 acres on Nov. 8, 1954.
Edwards Air Force Base, Calif..	Executive Order 8450.	June 20, 1940	60,732	Breakdown of disposal by Executive order not available.
Wendover Air Force Base range, Utah.	Executive Order 8579.	Oct. 29, 1940		
Do.....	Executive Order 8652.	Jan. 28, 1941	1,391,210	
Cook Inlet Air Force Range, Alaska.	Executive Order 8872.	Aug. 27, 1941	1,066,065	See Fort Richardson land covered by these two Executive orders originally withdrawn for Fort Richardson and transferred to Department of the Air Force. Breakdown by Executive order not available.
Elmendorf Air Force Base, Alaska.	Executive Order 8102.	May 1, 1939	(1)	
Do.....	Executive Order 8343.	Feb. 10, 1940	(1)	
Blair Lake Air Force range, Alaska.	Executive Order 8847.	Aug 8, 1941	642,708	
Total.....			8,555,944	

¹ See "Remarks."

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
OFFICE OF THE ADMINISTRATOR,
ALASKA WILDLIFE RESOURCES,
Juneau, Alaska, February 5, 1957.

CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
Washington, D. C.*

DEAR MR. ENGLE: As requested by you during my recent appearance before your committee, I am furnishing herewith desired information pertaining to the impact of the military on wildlife management in Alaska.

Since the Territory of Alaska does not issue hunting licenses, we believe the wording in section 4 of the act should use the term "appropriate licensing authority." Certainly we hope the final draft will not set up special privileges on or off military reservations as such would pose a difficult problem for us. Following is our suggested wording:

On page 4, starting with line 17, stopping page 5, end of line 2, "(2) require that licenses for hunting, trapping, or fishing be obtained from the appropriate licensing authority having jurisdiction in the State or Territory where such installation or facility is located. With respect to members of the Armed Forces, except in Alaska, such licenses will be required if such licensing authority of the State or Territory provides for the issuance of a license to a member of the Armed Forces on bona fide military duty for not less than 30 days at any installation or facility therein, without regard to residence requirements, and upon terms no less favorable than those terms upon which such a license is issued to residents of each State or Territory. The issuance of licenses to members of the Armed Forces in Alaska shall be in accordance with the provisions of the Alaska Game Law; and * * *."

The Alaska game law, act of January 13, 1925, as amended, is the basic law under which the United States Fish and Wildlife Service regulates and manages the sports fisheries and wildlife of Alaska. Among other items this law requires a person to be a bona fide resident of Alaska for a period of 12 months in order to acquire a resident hunting or fishing license. This requirement has been in effect since passage of the original act and applies equally to all persons. To the best of our knowledge no one in the military at the Alaska level has ever asked for a special provision for the military to grant residence on less time than is required of civilians. They are now in process of putting out a military order spelling out the 1-year requirement and arbitrarily stating no one in the military can retain residence status in Alaska unless he continues to be officially stationed here. A copy of this proposed order is attached.

The military in Alaska has also issued orders prohibiting the use of military rifles for hunting and prohibiting use of military vehicles for off-highway hunting. To our knowledge the first of these is occasionally violated and the second is more frequently violated. We do not have power to enforce it, of course.

We have an informal agreement with the military that they will not establish a recreational hunting or fishing camp without our concurrence to prevent overexploitation of resources in local areas. This has worked reasonably well. Again, it is a concession on their part since no law compels such action. Generally, we jointly attempt to prevent serious conflicts between military and civilian hunters and fishermen.

Each year the military provides from 6 to 12 men to assist enforcement of the game and fish regulations. They admit the military has caused us a problem, primarily because of our very limited means, and they accept some responsibility to help with it. These men are generally furnished with military vehicles and are granted authority by us to enforce the Alaska game law. During the heavy fall hunting season these men are usually assigned to work under supervision of

our regular agents. Theoretically they apply enforcement to members of the armed services but actually they assist with cases involving civilians as well. In the field it is almost impossible to distinguish military personnel from civilians except by personal questioning.

Each military establishment has a designated conservation officer and one is attached to the office of commander in chief, Alaska. The individual conservation officers at field installations have not been as active or effective as we had hoped.

As stated before your committee, it is our experience a greater hunting and fishing pressure is exerted by military personnel than by an equal number of civilians. This is not meant in a derogatory sense but is simply a fact we must consider in overall management. A nonresident fishing license, good for 1 year, is sold for \$2.50. Nonresident small-game licenses, including fishing, sell for \$10. We are confident these licenses are well within the reach of all military or civilian nonresidents. It is only in the big game field that we are concerned and this is our reason for wanting to keep the present 1-year license requirements. Alaska generally has more nonresidents than moose or sheep. When military installations are placed in outlying spots there is usually a conflict with the local residents who depend on wildlife for a living. The 1-year residence requirement minimizes this situation with regard to our big game.

It is difficult for us to get a firm figure on licenses sold to military personnel as they are often not identified as such. We estimate 40 to 45 percent of all licenses are sold to them. About 60,000 licenses are sold each year. Native Indians and Eskimos are not required to have one. Approximately 30 percent of convictions for game law violations involve military personnel. This may not have a direct relationship to violations which are not detected, but it does indicate the conservation program conducted by the military is of benefit.

We are attaching a copy of our current game regulations and again wish to express appreciation for being allowed to present testimony to your committee.

Sincerely yours,

CLARENCE J. RHODE,
Wildlife Administrator.

HEADQUARTERS, ALASKAN COMMAND,
OFFICE OF THE ASSISTANT CHIEF OF STAFF, J-1,
Seattle, Wash., November 9, 1956.

Mr. CLARENCE RHODE,
Wildlife Administrator,
United States Fish and Wildlife Service,
Juneau, Alaska.

DEAR MR. RHODE: Existing Alaskan Command regulations direct military installation commanders to make suitable arrangements for the on-station sale and issuance of hunting and fishing licenses and stamps to military personnel, civilian employees, and dependents of both groups. Our regulations also require such persons to purchase the appropriate licenses as required by law and to familiarize themselves with applicable provisions of the Alaska game laws and regulations prior to hunting or fishing in the Territory.

As you well know, the length of time military personnel reside in Alaska is controlled by military orders, whereas nonmilitary persons generally enter and leave the Territory at their own discretion. Because our personnel lack this freedom of choice, we are presently contemplating a modification of regulations which would provide guidance as to their eligibility for resident licenses, provided you concur therein. It is believed that publication of such information would be particularly helpful to new arrivals; furthermore it would help eliminate inadvertent abuse of the residence requirements by those previously stationed in Alaska.

The following guidance has been developed by the staff after careful consideration of the game laws and their legislative history and bears the approval of our legal advisers.

"Military personnel, civilian employees of the military service, and dependents of both groups will abide by the following criteria when obtaining fishing or hunting licenses:

"1. Newly arrived personnel must be assigned to a station in Alaska for the 12-month period immediately preceding the application in order to qualify for a resident license. This period begins on the date of actual arrival in the Territory, not the date of departure from the United States.

"2. Personnel departing Alaska for a permanent change of station may continue using currently valid resident licenses (if they should return to Alaska) until the expiration date. They are not authorized to obtain a succeeding resident license, either by mail or while temporarily visiting Alaska. Upon return to Alaska on a permanent change of station, such individuals must reestablish their right to resident privileges by completion of the 12-month period.

"3. Accumulated periods of temporary residence in Alaska do not qualify an individual for resident privileges.

"4. Temporary absence from Alaska does not affect an individual's resident privileges."

Your comments on the proposed publications are solicited.

Sincerely,

H. D. SMITH, Jr.,

Colonel, United States Air Force, Assistant Chief of Staff, J-1.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of Rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as introduced are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHAPTER 159 OF TITLE 10, UNITED STATES CODE

CHAPTER 159—REAL PROPERTY; RELATED PERSONAL PROPERTY; AND LEASE OF NONEXCESS PROPERTY

Sec.

2661. Planning and construction of public works projects by military departments.

2662. Real property transactions: agreement with Armed Services Committees; reports.

2663. Acquisition.

Sec.

2664. Acquisition of property for lumber production.

2665. Sale of certain interests in land; logs.

2666. Acquisition: land purchase contracts; limitation on commission.

2667. Leases: nonexcess property.

2668. Easements for rights-of-way.

2669. Easements for rights-of-way: gas, water, sewer pipelines.

2670. Licenses: military installations; erection and use of buildings; American National Red Cross.

2671. *Military reservations and facilities: hunting, fishing, and trapping.*

* * * * * *

§ 2670. Licenses: military installations; erection and use of buildings: American National Red Cross

Under such conditions as he may prescribe, the Secretary of any military department may issue a revocable license to the American National Red Cross to—

(1) erect and maintain, on any military installation under his jurisdiction, buildings for the storage of supplies; or

(2) use, for the storage of supplies, buildings erected by the United States.

Supplies stored in buildings erected or used under this section are available to aid the civilian population in a serious national disaster.

§ 2671. *Military reservations and facilities: hunting, fishing, and trapping*

(a) *The Secretary of Defense shall, with respect to each military installation or facility under the jurisdiction of any military department in a State or Territory—*

(1) *require that all hunting, fishing, and trapping at that installation or facility be in accordance with the fish and game laws of the State or Territory in which it is located;*

(2) *require that an appropriate license for hunting, fishing, or trapping on that installation or facility be obtained, except that with respect to members of the Armed Forces, such a license may be required only if the State or Territory authorizes the issuance of a license to a member on active duty for a period of more than thirty days at an installation or facility within that State or Territory, without regard to residence requirements, and upon terms otherwise not less favorable than the terms upon which such a license is issued to residents of that State or Territory; and*

(3) *develop, subject to safety requirements and military security, and in cooperation with the Governor (or his designee) of the State or Territory in which the installation or facility is located, procedures under which designated fish and game or conservation officials of that State or Territory may, at such time and under such conditions as may be agreed upon, have full access to that installation or facility to effect measures for the management, conservation, and harvesting of fish and game resources.*

(b) *The Secretary of Defense shall prescribe regulations to carry out this section.*

(c) *Whoever is guilty of an act or omission which violates a requirement prescribed under subsection (a) (1) or (2), which act or omission would be punishable if committed or omitted within the jurisdiction of the State or Territory in which the installation or fa-*

cility is located, by the laws thereof in effect at the time of that act or omission, is guilty of a like offense and is subject to a like punishment.

(d) This section does not modify any rights granted by treaty or otherwise to any Indian Tribe or to the members thereof.

SECTION 3 (d) OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 (63 STAT. 377), AS AMENDED

* * * * *

SEC. 3. As used in this Act—

* * * * *

(d) [The term "property" means any interest in property of any kind except (1) the public domain (including lands withdrawn or reserved from the public domain which the Administrator, with the concurrence of the Secretary of the Interior, determines are suitable for return to the public domain for disposition under the general public-land laws because such lands are not substantially changed in character by improvements), and lands reserved or dedicated for national forest or national park purposes; (2) naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines; and (3) records of the Federal Government.] *The term "property" means any interest in property except (1) the public domain; lands reserved or dedicated for national forest or national park purposes; minerals in lands or portions of lands withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws; and lands withdrawn or reserved from the public domain except lands or portions of lands so withdrawn or reserved which the Secretary of the Interior, with the concurrence of the Administrator, determines are not suitable for return to the public domain for disposition under the general public-land laws because such lands are substantially changed in character by improvements or otherwise; (2) naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines; and (3) records of the Federal Government.*

* * * * *

Calendar No. 884

85TH CONGRESS
1ST SESSION

H. R. 5538

[Report No. 857]

IN THE SENATE OF THE UNITED STATES

APRIL 12, 1957

Read twice and referred to the Committee on Interior and Insular Affairs

AUGUST 13, 1957

Reported by Mr. BIBLE, with an amendment

[Omit the part struck through and insert the part printed in italic]

AN ACT

To provide that withdrawals, reservations, or restrictions of more than five thousand acres of public lands of the United States for certain purposes shall not become effective until approved by Act of Congress, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, notwithstanding any other provisions of law, except
4 in time of war or national emergency hereafter declared by
5 the President or the Congress, on and after the date of enact-
6 ment of this Act the provisions hereof shall apply to the
7 withdrawal and reservation for, restriction of, and utilization
8 by, the Department of Defense for defense purposes of the

1 public lands of the United States, including public lands in
2 the Territories of Alaska and Hawaii: *Provided*, That—

3 (1) for the purposes of this Act, the term “public
4 lands” shall be deemed to include, without limiting the
5 meaning thereof, Federal lands and waters of the Outer
6 Continental Shelf, as defined in section 2 of the Outer
7 Continental Shelf Lands Act (67 Stat. 462), and Fed-
8 eral lands and waters off the coast of the Territories of
9 Alaska and Hawaii;

10 (2) nothing in this Act shall be deemed to be
11 applicable to the withdrawal or reservation of public
12 lands specifically as naval petroleum, naval oil shale,
13 or naval coal reserves;

14 (3) nothing in this Act shall be deemed to be
15 applicable to the warning areas over the Federal lands
16 and waters of the Outer Continental Shelf and Federal
17 lands and waters off the coast of the Territory of Alaska
18 reserved for use of the military departments prior to the
19 enactment of the Outer Continental Shelf Lands Act (67
20 Stat. 462) ; and

21 ~~(4) nothing in this Act shall be deemed to be~~
22 ~~applicable to the following reservations or withdrawals~~
23 ~~which expired due to the ending of the unlimited national~~
24 ~~emergency and which subsequent to such expiration~~
25 ~~have been and are now used by the military depart-~~

ments with the concurrence of the Department of the Interior: Luke Williams Air Force Range, Arizona; Camp Irwin, California; Edwards Air Force Base, California; Nellis Rifle and Pistol Range Annex, Nevada; and Boardman Precision Bombing Range, Oregon.

“(4) nothing in sections 1, 2, or 3 of this Act shall be deemed to be applicable either to those reservations or withdrawals which expired due to the ending of the unlimited national emergency of May 27, 1941, and which subsequent to such expiration have been and are now used by the military departments with the concurrence of the Department of the Interior, or to the withdrawal of public domain lands of the Marine Corps Training Center, Twentynine Palms, California, and the Air-To-Air Gunnery Range, Sahwave Mountain, Nevada.”

SEC. 2. No public land, water, or land and water area shall, except by Act of Congress, hereafter be (1) withdrawn from settlement, location, sale, or entry for the use of the Department of Defense for defense purposes; (2) reserved for such use; or (3) restricted from operation of the mineral leasing provisions of the Outer Continental Shelf Lands Act (67 Stat. 462), if such withdrawal, reservation, or restriction would result in the withdrawal, reservation, or restriction of more than five thousand acres in the aggregate

1 for any one defense project or facility of the Department of
2 Defense since the date of enactment of this Act or since the
3 last previous Act of Congress which withdrew, reserved, or
4 restricted public land, water, or land and water area for
5 that project or facility, whichever is later.

6 SEC. 3. Any application hereafter filed for a withdrawal,
7 reservation, or restriction, the approval of which will, under
8 section 2 of this Act, require an Act of Congress, shall
9 specify—

10 (1) the name of the requesting agency and in-
11 tended using agency;

12 (2) location of the area involved, to include a de-
13 tailed description of the exterior boundaries and ex-
14 cepted areas, if any, within such proposed withdrawal,
15 reservation, or restriction;

16 (3) gross land and water acreage within the exte-
17 rior boundaries of the requested withdrawal, reservation,
18 or restriction, and net public land, water, or public land
19 and water acreage covered by the application;

20 (4) the purpose or purposes for which the area is
21 proposed to be withdrawn, reserved, or restricted, or
22 if the purpose or purposes are classified for national
23 security reasons, a statement to that effect;

24 (5) whether the proposed use will result in con-
25 tamination of any or all of the requested withdrawal,

1 reservation, or restriction area, and if so, whether such
2 contamination will be permanent or temporary;

3 (6) the period during which the proposed with-
4 drawal, reservation, or restriction will continue in effect;

5 (7) whether, and if so to what extent, the proposed
6 use will affect continuing full operation of the public land
7 laws and Federal regulations relating to conservation,
8 utilization, and development of mineral resources, timber
9 and other material resources, grazing resources, fish and
10 wildlife resources, water resources, and scenic, wilder-
11 ness, and recreation and other values; and

12 (8) if effecting the purpose for which the area is
13 proposed to be withdrawn, reserved, or restricted, will
14 involve the use of water in any State, whether, subject
15 to existing rights under law, the intended using agency
16 has acquired, or proposes to acquire, rights to the use
17 thereof in conformity with State laws and procedures
18 relating to the control, appropriation, use, and distribu-
19 tion of water.

20 SEC. 4. Chapter 159 of title 10, United States Code, is
21 amended as follows:

22 (1) By adding the following new section at the end:

23 “§ 2671. Military reservations and facilities: hunting, fish-
24 ing, and trapping

1 “(a) The Secretary of Defense shall, with respect to
2 each military installation or facility under the jurisdiction
3 of any military department in a State or Territory—

4 “(1) require that all hunting, fishing, and trapping
5 at that installation or facility be in accordance with
6 the fish and game laws of the State or Territory in
7 which it is located;

8 “(2) require that an appropriate license for hunt-
9 ing, fishing, or trapping on that installation or facility
10 be obtained, except that with respect to members of
11 the Armed Forces, such a license may be required only
12 if the State or Territory authorizes the issuance of a
13 license to a member on active duty for a period of more
14 than thirty days at an installation or facility within that
15 State or Territory, without regard to residence require-
16 ments, and upon terms otherwise not less favorable than
17 the terms upon which such a license is issued to resi-
18 dents of that State or Territory; and

19 “(3) develop, subject to safety requirements and
20 military security, and in cooperation with the Governor
21 (or his designee) of the State or Territory in which
22 the installation or facility is located, procedures under
23 which designated fish and game or conservation officials
24 of that State or Territory may, at such time and under
25 such conditions as may be agreed upon, have full access

1 to that installation or facility to effect measures for the
2 management, conservation, and harvesting of fish and
3 game resources.

4 “(b) The Secretary of Defense shall prescribe regu-
5 lations to carry out this section.

6 “(c) Whoever is guilty of an act or omission which
7 violates a requirement prescribed under subsection (a) (1)
8 or (2), which act or omission would be punishable if com-
9 mitted or omitted within the jurisdiction of the State or
10 Territory in which the installation or facility is located, by
11 the laws thereof in effect at the time of that act or omission,
12 is guilty of a like offense and is subject to a like punishment.

13 “(d) This section does not modify any rights granted by
14 treaty or otherwise to any Indian tribe or to the members
15 thereof.”

16 (2) By adding the following new item at the end of the
17 analysis:

“2671. Military reservations and facilities: hunting, fishing, and trapping.”

18 SEC. 5. The Federal Property and Administrative Serv-
19 ices Act of 1949 (63 Stat. 377), as amended, is hereby
20 further amended by revising section 3 (d) to read as
21 follows:

22 “(d) The term ‘property’ means any interest in prop-
23 erty except (1) the public domain; lands reserved or dedi-
24 cated for national forest or national park purposes; min-

1 erals in lands or portions of lands withdrawn or reserved
2 from the public domain which the Secretary of the Interior
3 determines are suitable for disposition under the public land
4 mining and mineral leasing laws; and lands withdrawn or
5 reserved from the public domain except lands or portions of
6 lands so withdrawn or reserved which the Secretary of the
7 Interior, with the concurrence of the Administrator, deter-
8 mines are not suitable for return to the public domain for
9 disposition under the general public-land laws because such
10 lands are substantially changed in character by improve-
11 ments or otherwise; (2) naval vessels of the following
12 categories: Battleships, cruisers, aircraft carriers, destroyers,
13 and submarines; and (3) records of the Federal Govern-
14 ment.”

15 SEC. 6. All withdrawals or reservations of public lands
16 for the use of any agency of the Department of Defense,
17 except lands withdrawn or reserved specifically as naval pe-
18 troleum, naval oil shale, or naval coal reserves, heretofore or
19 hereafter made by the United States, shall be deemed to be
20 subject to the condition that all minerals, including oil and
21 gas, in the lands so withdrawn or reserved are under the
22 jurisdiction of the Secretary of the Interior and there shall be
23 no disposition of, or exploration for, any minerals in such
24 lands except under the applicable public land mining and
25 mineral leasing laws: *Provided*, That no disposition of, or

1 exploration for, any minerals in such lands shall be made
2 where the Secretary of Defense, after consultation with the
3 Secretary of the Interior, determines that such disposition or
4 exploration is inconsistent with the military use of the lands
5 so withdrawn or reserved.

Passed the House of Representatives April 11, 1957.

Attest:

RALPH R. ROBERTS,

Clerk.

85TH CONGRESS
1ST SESSION

H. R. 5538

[Report No. 857]

AN ACT

To provide that withdrawals, reservations, or restrictions of more than five thousand acres of public lands of the United States for certain purposes shall not become effective until approved by Act of Congress, and for other purposes.

APRIL 12, 1957

Read twice and referred to the Committee on Interior
and Insular Affairs

AUGUST 13, 1957

Reported with an amendment

H. R. 5538

House of Representatives

AN ACT

To amend the act approved June 10, 1906, entitled "An act to provide for the collection of duties on imports of certain goods from the Republic of Cuba, and for other purposes," and for other purposes.

Enacted at the City of Washington on this 10th day of January, 1911.

Wm. H. Taft
President

August 20, 1957

13. COTTON; DISASTER RELIEF. The Agriculture and Forestry Committee reported without amendment the following bills:
S. 314, to assist the U.S. cotton textile industry through the disposition to them of surplus cotton (S. Rept. 1056); and
S. 304, to require States to contribute from 25% to 50% of the cost of feed or seed furnished to farmers in disaster areas (S. Rept. 1055). p. 13920
14. WOOL. The Finance Committee reported with amendments H.R. 6894, to amend the Tariff Act with regard to mica, including a provision for the duty-free entry of certain wool yarn, which was added by the Senate Committee (S. Rept. 1053). p. 13920
15. PUBLIC LANDS. ~~Passed without amendment H.R. 2237, to authorize the transfer of certain VA property to the Johnson City (Tenn.) National Farm Loan Ass'n and the East Tenn. Production Credit Ass'n. p. 13952-~~
Passed as reported H.R. 5538, to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the U.S. for certain purposes shall not become effective until approved by an act of Congress. pp. 13955-6
16. RECLAMATION. Passed without amendment S. 2037, to authorize performance of necessary protection work between the Yuma Project and Boulder Dam. p. 13958
17. ATOMIC ENERGY. Agreed to the conference report on H.R. 8996, AEC authorization bill for construction of certain power reactors. pp. 13968-9, 13972-4
18. FARM PROGRAM. Sen. Young inserted and commended a U.S. News article, "Five Billions For Farm Aid--Where Does It All Go?", summarizing the Department's 1956 budget and program, and inserted a Time magazine article, "The \$5 Billion Farm Scandal--Every Day in Every Way It Gets Worse," which he criticized as "one of the most unfair articles I have ever read." pp. 13924-6
Sen. Aiken inserted various recommendations of the Conference on Economic Progress, urging a reduction in the number of farmers and what Sen. Aiken called "virtually a recommendation of the rural development program which is being promoted by President Eisenhower." pp. 13926-7
19. PERSONNEL. At the request of Sen. Talmadge, passed over S. 25, to make wage-board pay raises retroactive to 30 days after initiation of the survey, and S. 734, to revise the basic compensation schedules of the Classification Act of 1949; and at the request of Sen. Purtell passed over H.R. 2462, to adjust the basic rates of compensation of certain officers and employees. pp. 13947, 13948, 13951
At the request of Sen. Purtell, passed over S. 2127, to reduce Federal Employees' Group Life Insurance only 1% a month after 65 to a minimum of 50% of the face value (rather than 2% and 25%). p. 13948
At the request of Sen. Purtell, passed over S. 72, to increase annuities payable to certain annuitants from the Civil Service retirement fund. p. 13948
20. DAIRY PRODUCTS. At the request of Sen. Talmadge, passed over H.R. 38, to provide for the temporary free importation of casein. p. 13962
21. FIBER; WOOL. At the request of Sen. Talmadge, passed over H.R. 7096, to exempt istle or Tampico fiber from the Tariff Act of 1930. Sen. Beall proposed an amendment to the bill which would remove from the dutiable to the free list woolen yarn of less than 3 inches in length. p. 13954

22. TRANSPORTATION. Began consideration of the conference report on S. 939, relative to rendering transportation services to the Government at free or reduced rates under Sec. 22 of the ICC Act. (pp. 13998, 14005-6, 14008, 14021-4) The House agreed to the report Aug. 19.
23. ELECTRIFICATION. Sen. Thye inserted a resolution of the Elk River Rural Cooperative Power Ass'n urging Congress to appropriate to the AEC funds for power development with such amendments as to allow the continuation of contract procedures for construction of a nuclear reactor powerplant. p. 13920
24. FOREIGN AID. Sen. Smith, N.J., inserted a breakdown of the relative figures of the various sections of the mutual security appropriation bill, and stated the House cuts "are cause for serious concern about every category in the bill." p. 13926
- Sen. Symington inserted an editorial, "Gum-Up On Foreign Aid," criticizing the administration for not "strengthening the case for mutual security." p. 13933
- Sen. Byrd urged cuts in foreign aid, and pointed to the sums in foreign currencies generated by Public Law 480 and other programs to show that over \$1 billion in "non-appropriated, non-accountable" funds is available above the sums budgeted. pp. 13995-6
25. FOREIGN TRADE. Sens. Douglas, Case (S.D), Javits, Mansfield, and Byrd discussed the proposed increase in the lead and zinc tariff, and Sen. Douglas inserted the minority views of himself and Sen. Gore on the bill, which they termed "an attempt to undermine our reciprocal trade program." pp. 13930-2
26. FISCAL POLICY. Sen. Cooper inserted the statement of Federal Reserve Board Chairman Martin before the Finance Committee on the monetary and credit policies of the Federal Government and the present economic situation. pp. 13941-4
27. LEGISLATIVE PROGRAM. Sen. Johnson announced that the Senate would resume consideration of S. 939, relative to rendering transportation services to the Government at reduced rates, on Wed., August 21, following which the Senate would possibly consider, among others, S. 25, making wage board employee pay increases retroactive to 30 days after initiation of the survey, the conference report on H.R. 4602, the veteran's housing bill, S. 2377, providing for the production of statements or reports of witnesses, and S. 1356, vesting jurisdiction over monopolistic trade practices by persons engaged in commerce in meat or meat products in the FTC. p. 14025

ITEMS IN APPENDIX

28. REA LOANS. Sen. Johnson inserted a resolution of the Nat'l Telephone Cooperative Ass'n opposing the proposed increase in REA interest rates. p. A6834
29. FOREIGN AID. Sen. Fulbright inserted an editorial discussing the cuts made in foreign aid appropriations, stating that the cuts are big but their true significance cannot be measured in terms of money, and that the President "will have to do more than read speeches and statements that are written for him, and to plead at the last moment with the leaders of Congress." pp. A6834-5
30. FARM INCOME. Extension of remarks of Sen. Johnson stating that "those of us who come from agricultural States are well aware that farmers and ranchers are not getting their share of the national income," and inserting Dr. Timm's, Texas A&M College, address, "Changing Nature of American Agriculture." pp. A6838-9

Mr. MORSE. I believe we can clear up the matter. The Senator from New Mexico, I am sure, is familiar with the situation.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. BIBLE. I believe I am in a position to answer the question. I have checked with the staff, and I am told that the mineral rights, under the Small Tract Act of 1938, are reserved.

Mr. MORSE. That is what I wanted to have clear in the RECORD. I believe we ought to have that legislative history made in the RECORD, in view of the fact that the report does not refer to it. It ought to be clear in the RECORD.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

WITHDRAWALS OF PUBLIC LANDS

The Senate proceeded to consider the bill (H. R. 5538) to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, after line 20, to strike out:

(4) nothing in this act shall be deemed to be applicable to the following reservations or withdrawals which expired due to the ending of the unlimited national emergency and which subsequent to such expiration have been and are now used by the military departments with the concurrence of the Department of the Interior: Luke Williams Air Force Range, Arizona; Camp Irwin, California; Edwards Air Force Base, California; Nellis Rifle and Pistol Range Annex, Nevada; and Boardman Precision Bombing Range, Oregon.

And insert:

(4) nothing in sections 1, 2, or 3 of this act shall be deemed to be applicable either to those reservations or withdrawals which expired due to the ending of the unlimited national emergency of May 27, 1941, and which subsequent to such expiration have been and are now used by the military departments with the concurrence of the Department of the Interior, or to the withdrawal of public domain lands of the Marine Corps Training Center, Twentynine Palms, Calif., and the Air-To-Air Gunnery Range, Sahwave Mountain, Nev.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BIBLE. In connection with the bill just passed, Order No. 884, H. R. 5538, I ask unanimous consent to have printed in the RECORD at the conclusion of the consideration of the bill, and its passage, a statement concerning it, and explaining the amendments.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BIBLE

H. R. 5538 places in the Congress the responsibility for approving the withdrawal from other forms of entry of public lands in excess of 5,000 acres to be used by the Military Establishment.

For many years now, the various military agencies have been acquiring public lands for their exclusive use at an alarmingly rapid rate. While the Constitution vests exclusive jurisdiction over public lands in the Congress, we in the Congress have, to a very large extent, permitted the executive branch to administer the public domain without sufficient congressional guidemarks in certain areas of public land management. It is the judgment of the Committee on Interior and Insular Affairs that the military use of public lands has been flagrantly abused and the measure now before us provides a means of assuring that, in the future, a clear showing of actual need must be made to the Congress before public lands in excess of 5,000 acres will be set aside for use by the Army, the Navy, or the Air Force.

As the administrative custodian of public domain lands, the Secretary of the Interior must, at the present time, determine whether or not portions of the public domain should be set aside primarily for military purposes when the military agencies express a need therefor. All too often, unfortunately, the Secretary has been compelled to approve routinely the requests for additional land submitted to him by the military because of his Department's inability to assess comparatively the military need as against continued public uses of the public land in question. As a consequence, agencies of the Defense Department have acquired millions of acres of public land simply by alleging the land is needed for national defense purposes. Not having detailed information with respect to Defense Department preparations for the national defense, the Interior Department has had to "rubber stamp" these military land requests.

This undesirable situation has been greatly compounded by the fact that the Defense Department did not have, until very recently, any type of control procedures established that effectively curtailed unnecessary military public land acquisitions. Nor did the individual military services attempt to maintain current appraisals of their public land holdings to determine if public land under military control could, to any extent, be returned to the public domain as surplus to military needs. In August 1955, the Department of Defense issued a directive requiring the individual services to review their real property holdings. Studies now being made pursuant to that directive reveal that the services have indeed retained large areas of public domain land far beyond the time after which such land was no longer needed. Prior to the issuance of the August 1955, directive, the individual services made little or no effort to determine whether joint use of militarily withdrawn public lands could be accomplished in lieu of withdrawing additional public land from general public entry.

Hearings held on this question of military public land use revealed further that the lands taken by the military services were held nearly entirely on an exclusive-use basis. Other public uses of public lands so withdrawn were prohibited. H. R. 5538 establishes procedures that will insure multiple use of public lands withdrawn primarily for military purposes—mining, grazing and hunting and fishing will be permitted wherever it is compatible with the military mission sought to be accomplished on these military reservations carved from the public domain. Furthermore, all hunting and fishing on such reservations

will be done in accordance with State laws and the general public will be permitted to enjoy such activities along with the military personnel on the base wherever possible. This bill requires the military authorities to cooperate with State officials in the management and harvesting of fish and game resources, including procedures which will grant access to such State officials to these areas under military control, subject, of course, to safety and security considerations.

The military agencies have made considerable progress in establishing sound real property management procedures since Congressional hearings on the subject were first conducted last year by the House Committee on Interior and Insular Affairs. It is the Committee's hope that the Department of Defense will continue to supervise carefully and require compliance with the real property management directives it has formulated for the guidance of the individual services.

The proposed amendment to this bill would exempt 18 specific areas from the requirement that the Congress approve withdrawals in excess of 5,000 acres. Sixteen of these specified areas are listed on pages 23-24 of the committee report under the heading, "Lands Where Temporary Use Period Extended." In each case, Executive or public land orders were issued withdrawing these listed areas from general public entry for use by the military agencies. By the terms of such orders, the right of the military to use these lands was to expire automatically 6 months after the termination of the unlimited national emergency attending World War II. The Department of the Interior has permitted the military agencies to continue their use of these public lands beyond that automatic termination date. On each of the 16 reservations there exist extensive physical improvements of considerable value which serve a continuing military need. Military training programs have been maintained on an uninterrupted basis on these reservations since they were first established. Formal withdrawal orders will be issued in the future to assure the continued use of these public lands by the military. Justification for their retention in military status continues and the language of the amendment merely permits the Secretary of the Interior to sign the necessary withdrawal order—a specific act of Congress, as would otherwise be required under the provisions of this bill, will not be necessary inasmuch as further congressional review appears unwarranted.

The committee is suggesting a similar exception from congressional review in the case of the Marine Corps Training Center at Twentynine Palms, Calif. As is pointed out at page 2 of the report, extensive physical improvements were constructed by the Marine Corps and military training programs were instituted at the Training Center at Twentynine Palms before the Secretary of the Interior formally approved the Navy Department's request for the withdrawal of the public lands to be used by the Marine Corps. Unbelievable as it appears, we have here an example of a military agency asserting exclusive jurisdiction over an area of federally owned property to which it hasn't the slightest semblance of legal title. H. R. 5538 will put an end to such situations. In the future, military agencies will first acquire title to areas of the public domain before they expend millions of dollars placing military installations on public land. The committee has studied the Twentynine Palms fiasco thoroughly and has concluded that it can best be resolved by permitting the necessary withdrawal order to be issued by the Secretary of the Interior without further congressional review.

SAHWAVE MOUNTAIN STATEMENT

H. R. 5538, I repeat, requires the Congress to make future determinations with respect to the necessity of setting aside for military use additional areas of the public domain in excess of 5,000 acres as well as the manner in which such lands, if so withdrawn, shall be used by the military. We urge its enactment by the Senate at this time.

In treating the Sahwave Mountain air-to-air gunnery range as an area excepted from the requirements of the bill's first three sections, the committee is dealing with public domain lands that are presently embraced in a pending withdrawal request submitted by the Department of the Navy. The Secretary of the Interior has withheld a decision on the request of the Navy in accordance with an agreement that all pending withdrawal requests would be held in abeyance until a final disposition is made of H. R. 5538 by the Congress. Nevertheless, a thorough examination of the need for the Sahwave Mountain withdrawal has already been conducted by the Senate Committees on Armed Services and Appropriations. Legislation enacted in the 84th Congress (Public Laws 814 and 968) authorizes and provides funds for the acquisition of grazing rights, mining claims, and privately owned lands embraced within the proposed Sahwave gunnery area. It is the committee's opinion that any additional review of the matter by a legislative committee, such as that required by the provisions of this bill, is unnecessary. The Navy has modified its original request for public lands in the Sahwave area by nearly 1½ million acres since obtaining the right to utilize a portion of the Air Force's Nellis-Tonopah gunnery range. The committee is confident that the Secretary of the Interior, if permitted by the language of the reported bill to sign a withdrawal order for the Sahwave Mountain range, will honor a request submitted to him by Messrs. BIBLE and MALONE to delete an additional 114,000 acres from the proposed withdrawal which were not considered during the hearings conducted by the Committee on Armed Services and Appropriations mentioned previously. Your committee feels this amendment fully protects the general public interest and promotes the expeditious accomplishment of specific military missions.

AMENDMENT OF SOCIAL SECURITY ACT

The Senate proceeded to consider the bill (H. R. 8753) to amend title II of the Social Security Act to include California, Connecticut, and Rhode Island among the States which are permitted to divide their retirement systems into two parts so as to obtain social-security coverage, under State agreement, for only those State and local employees who desire such coverage, which had been reported from the Committee on Finance with amendments on page 1, line 5, after the word "Florida", to insert "by inserting 'Minnesota,' before 'New York'", and, on page 2, line 9, after the word "to", where it appears the second time, to strike out "1958" and insert "1960."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend title II of the Social Security Act to include California, Connecticut, Minnesota, and Rhode Island among the States which are permitted to

divide their retirement systems into two parts so as to obtain social-security coverage, under State agreement, for only those State and local employees who desire such coverage."

Mr. BYRD. Mr. President, I ask unanimous consent that a statement regarding the bill be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The social security amendments of 1956 included a provision permitting 8 specific States and the Territory of Hawaii, to divide State and local government retirement systems into 2 groups for purposes of old-age and survivors insurance coverage; 1 group to consist of those employees who desire to come under social-security coverage and the other group to be comprised of those who do not want to come into the OASI system. The Committee on Finance had made a very careful poll of all the States and included in this provision only those States specifically requested to be named by their Governors. They were: Florida, Georgia, New York, North Dakota, Pennsylvania, Tennessee, Washington, Wisconsin, and the Territory of Hawaii.

H. R. 8753 extends this privilege to four additional States who have requested to be named—California, Connecticut, Minnesota, and Rhode Island. The bill, as passed by the House, did not include Minnesota, but it was added in the Committee on Finance at the request of Senator THYE and the endorsement of Senator HUMPHREY.

In order to assure sufficient time for the four States to make arrangements for covering employees pursuant to the provisions in this bill, it is desirable to provide an extension of the time within which a retroactive coverage agreement can be entered into with respect to these employees. Under the House-approved bill a 1-year extension was provided. The Committee on Finance has amended the bill to provide a 2-year extension. The committee believes that the 1-year extension might not be long enough to permit the 4 States affected by the bill, and the interested subdivisions, to take the necessary action by the end of 1958. These States and their subdivisions would, of course, need a certain amount of time in order to inform interested groups of the amendment and to provide for and carry out the actions which are a prerequisite to securing social-security coverage for them. A further delay would result if State-enabling legislation necessary to action by the State has not been enacted. The problems that would arise in getting any needed State legislation if the extension of the deadline for obtaining retroactive coverage were extended for only 1 year might be particularly acute in Minnesota, since the legislature in that State ordinarily meets only in odd-numbered years.

The Finance Committee bill provides that agreements or modifications applicable to services to which the bill applies may, if they are entered into prior to 1960, be made effective with respect to such services performed as early as January 1, 1956.

AMENDMENT OF SOCIAL SECURITY ACT—BILL PLACED AT FOOT OF THE CALENDAR

The bill (H. R. 8755) to amend title II of the Social Security Act to permit any instrumentality of two or more States to obtain social-security coverage under its agreement separately for those of its employees who are covered by a retirement system and who desire such coverage, was announced as next in order.

Mr. TALMADGE. Over.

Mr. BEALL. Mr. President, at this time I wish to offer to one of the committee amendments an amendment which is in no way controversial. Quite the contrary; it is simply to place the State of Maryland in the same position as that of so many other States with respect to section 218 subsection (p) of the Social Security Act. My amendment would place Maryland after Georgia in the alphabetical listing of States in section 2 of H. R. 8755.

Mr. President, this amendment provides coverage under social security for police and firemen in the State of Maryland. It is endorsed by the Maryland Municipal League, and also by the Maryland State Legislature, which, in the State Senate on January 16, 1957, passed resolution 5 of the 1957 session. The Governor of Maryland approved this resolution on February 1, 1957.

The PRESIDING OFFICER. Does the Senator from Georgia withhold his objection?

Mr. TALMADGE. I withhold my objection, and I should like to hear the amendment of the Senator from Maryland read.

The PRESIDING OFFICER. The amendment of the Senator from Maryland will not be in order until the committee amendment to which it is submitted is considered. Since objection has been made to the consideration of the bill, the committee amendments cannot be considered at this time.

Mr. TALMADGE. Mr. President, I withdraw my objection at this time, in order that the amendment of the Senator from Maryland may be offered and read. After I hear the amendment read, I shall know whether I wish to renew my objection.

The PRESIDING OFFICER. First, is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 8755), which had been reported from the Committee on Finance with amendments.

The PRESIDING OFFICER. The amendments of the committee will be stated.

The first amendment was on page 3, line 4, after the word "title", to insert "Services in positions covered by a separate retirement system created pursuant to this subsection (and consisting of the positions of members who desire coverage under an agreement under this section) shall be covered under such agreement on compliance, to the extent practicable, with the same conditions as are applicable to coverage under an agreement under this section of services in positions covered by a separate retirement system created pursuant to the fourth sentence of subsection (d) (6) (and consisting of the positions of members who desire coverage under such agreement)."; and after line 14, to strike out:

Sec. 2. Notwithstanding subsection (f) of section 218 of the Social Security Act, any agreement with an instrumentality of two or more States under such section which is applicable to services performed by employees of such instrumentality in positions covered by a separate retirement system (comprising

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued August 27, 1957
For actions of August 26, 1957
85th-1st, No. 155

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HIGHLIGHTS: Senate passed bill to prevent certain shifts in acreage allotments history resulting from unplanted acres. Senate passed bill for sale of cotton to U.S. mills at reduced prices.

HOUSE

1. PERSONNEL. The Rules Committee reported a resolution for consideration of H.R. 7915, to require consent of the Attorney General to produce certain Federal records in court in connection with loyalty cases, etc.. pp. 14579
2. CIVIL RIGHTS. The Rules Committee reported a resolution for disposition of the Senate amendments to the civil rights bill, H.R. 6127. p. 14595
3. FOREIGN AID. Rep. Passman spoke in favor of the House approved version of the mutual security appropriation bill. p. 14569
4. WEATHER. Rep. Ashley criticized curtailment of Weather Bureau operations throughout the country, claiming that this is damaging our national economy and stating that farmers and fruitgrowers depend on special agricultural forecasts. p. 14569
5. ELECTRIFICATION. Rep. Trimble praised the work of the rural electric co-ops and deplored increased power costs and interest rates. pp. 14569-70
6. CIVIL DEFENSE. Rep. Huddleston claimed the civil defense program is inadequate. pp. 14571-2

7. PUBLIC LANDS. Rep. Engle requested that the House concur in the Senate amendment to H.R. 5538, to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the U.S. require approval by Act of Congress, but Rep. Baring objected to the request. pp. 14572-3

SENATE

8. ACREAGE ALLOTMENTS. Passed with amendments H.R. 8030, to eliminate the requirement that notice of intent not to plant the full acreage allotted must be filed with the county committee in order for a farmer to receive credit for future acreage allotment purposes. pp. 14507-8
9. COTTON. Passed without amendment S. 314, to direct the Department to offer surplus cotton to U.S. mills at reduced prices in order to allow them to compete with foreign textiles on the world market. pp. 14509-10
10. FARM-CITY WEEK. Passed without amendment H.J.Res. 313, designating the week of Nov. 22-28, 1957, as National Farm-City Week. This bill will now be sent to the President. p. 14516
11. DAIRY-PRODUCTS IMPORTS. Passed without amendment H.R. 38, to provide for the temporary free importation of casein. This bill will now be sent to the President. p. 14503
12. FORESTRY. Passed as reported S. 479, to grant a 50-year right-of-way for a water pipeline across the Lincoln National Forest, N.M.. pp. 14510-11
Passed as reported H.R. 6322, to provide for a delay in the date of submission of a plan for the future control of property of the Menominee Tribe. pp. 14520-3
13. FARM LOANS. Senate conferees were appointed on S. 1002, to permit USDA to aid desert-land entrymen to the same extent as homestead entrymen. House conferees have not been appointed. pp. 14498-9
14. RECLAMATION. Both Houses agreed to the conference report on S. 1482, to increase the limitation on the acreage one family might have of irrigated land in the Columbia Basin Project (H. Rept. 1238). This bill will now be sent to the President. pp. 14525, 14572
15. SAFETY. At the request of Sen. Purtell, passed over S. 931, to reorganize the safety functions of the Government. pp. 14502-3
16. COMMITTEES. At the request of Sen. Talmadge, passed over H.R. 8508, to provide for two ASC county committees for certain counties. p. 14508
17. FEED GRAINS. At the request of Sen. Clark, passed over H.R. 2486, to authorize CCC to grant relief on claims arising out of deliveries of eligible surplus feed grains on ineligible dates under purchase orders for the emergency feed program. p. 14508
18. WOOL. At the request of Sen. Talmadge, passed over H.R. 6894, to amend the tariff on mica and allow the duty-free entry of certain wool yarn. p. 14509
19. DISASTER RELIEF. At the request of Sen. Talmadge, passed over S. 304, to require States to contribute from 25 to 50% of the cost of feed or seed furnished to farmers in disaster areas. p. 14509

Mrs. ROGERS of Massachusetts. Mr. Speaker, I am horrified that the Army is closing the Murphy Army Hospital at Waltham, particularly in view of the Asiatic flu epidemic. During 1918, I was volunteering in an Army hospital daily and sometimes 36 hours at a time trying to help take care of flu victims. We did not have beds. We were short of doctors and nurses. In the pneumonia wards every nurse contracted the flu. Civilian hospitals were packed and jammed. It is an outrage, I think, to close the hospital at this time, and today our civilian hospitals are plagued with a shortage of medical personnel.

Mr. Speaker, I certainly think the doctors should insist that President Eisenhower should have the Asiatic flu vaccine, if anyone in the country has it. He is our No. 1 citizen. He is vitally important to us and vitally important to the free world today. He should be treated with the greatest respect and given the best of care.

EXPUNGING CERTAIN REMARKS FROM THE RECORD

Mr. UTT. Mr. Speaker, on August 8, 1957, page A6470, I inserted in the Record a statement concerning the voting statistics of the 28th and 30th Congressional Districts of California.

I since have learned that the figures upon which my statement in part was based were in error and could have been misleading in their import. Accordingly, Mr. Speaker, I ask unanimous consent to expunge from the permanent Record my remarks of that date.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

LACK OF CIVIL DEFENSE—A NATIONAL SHORTCOMING

(Mr. HUDDLESTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUDDLESTON. Mr. Speaker, in recent years we have seen military weapons developed beyond all comprehension. We have built bombs so deadly that a single missile can not only kill and maim thousands, if not millions, but also permanently damage the entire human race. We have such bombs and though we might have made them first, there is no doubt that our enemies have them now, too. It is merely a deliberative daydream to pretend that the enemy is not capable of penetrating our military defenses to drop a thermonuclear bomb over a target in the United States. To disregard this threat with continued apathy is to flirt with omnipotent danger such as our civilization has never known.

In 1950 the Congress created the Federal Civil Defense Administration to plan for an effective defense against atomic attack. Of late some have criticized this agency with the charge that it has wasted all of the public funds allotted to it. In defense, others have argued that the Civil Defense Administra-

tion never had an opportunity to prove its worth because Congress would not appropriate the requested funds to carry out its work. Both of these opposite points of view are unwarranted. There is no doubt that the Civil Defense Administration could have done a far better job, but all in all it has served an important role.

Congress, in refusing to pour more and more money into the Civil Defense Administration, is not losing interest in civil defense. On the contrary, it is my strong conviction that there is more genuine concern in Congress now than ever before for an efficient system of national civil defense. My fellow legislators have balked, and rightly so, because the Civil Defense Administration has such a shortsighted policy. In the 7 years since its creation, it is already outmoded and obsolete.

Basically, civil defense is a planning program and to be workable, it must be keyed far in advance of the present. For the program to operate on a current basis is indeed reckless and for it to be years behind, as it is presently, is downright negligence.

A strong and well-organized civil defense can be a very definite power for peace. To allow our great centers of population and industry to lie exposed to possible attack is to invite disaster. Such an attack at home could virtually paralyze our military forces, even if the military escaped to launch its massive retaliation. The victor, in my firm opinion, will undoubtedly be the nation which can withstand attack rather than merely attack. In event of atomic war, our success becomes a question of survival.

In this respect, the Civil Defense Administration has been active in testing various types of shelters for some time. In recent nuclear bomb tests in Nevada, a lot of scientific data has been obtained on shelter structure needed to withstand attack. Generally, there seem to be three types of shelters under study depending on whether the shelter is designed to offer protection from the immediate blast or shock wave, the following flash of fire or lastly, the fallout of radioactive materials.

The problem of survival has vastly increased since the Federal Civil Defense Administration came into being. At that time, the terrible dangers of radioactive fallout were not considered. Perhaps the Atomic Energy Commission knew of the dangers, but the Civil Defense Administration says it did not. This in itself is an illustration of the poor governmental coordination which has hampered the effectiveness of our domestic civil defense. The fact that the Civil Defense Administration is now testing various shelters in Atomic Energy Commission experiments is significant of much-needed improvements in liaison. Let us hope that these agencies are now cooperating fully for the protection and well-being of the American people.

The United States Constitution gives the Federal Government the authority to provide for the common defense and general welfare of the United States.

The common defense, Mr. Speaker, is both military defense and civil defense. One without the other is not an adequate defense in this atomic age. It is my considered judgment, therefore, that a far-reaching plan for national survival in case of atomic war should be worked out as soon as possible.

Although the tense world situation demands a certain urgency, it is paramount that proper consideration be given to all aspects of a national survival program. All factors should be duly and fully considered. Certainly we do not want to weaken the national economy by channeling billions upon billions of tax dollars into a nationwide system of shelters which might be outdated by the time they are finally built. Nor do we want to be lulled into a false feeling of security with the mistaken view that such shelters will make us invincible. Still, time is all-important in launching a full-scale inquiry into the feasibility of atomic shelters.

Despite the objections which have been raised, the Federal Civil Defense Administration contains the framework under which such an investigation can be carried out at present. This study might indicate the need for a top-to-bottom revamping of the present civil-defense program or even an entirely new agency.

The Military Operations Subcommittee of the House Committee on Government Operations has already held lengthy hearings on the subject of additional civil-defense legislation. The committee report shows that Congress appropriated the full amount which the Civil Defense Administration requested for shelter design and testing. In fiscal year 1957, \$10 million was appropriated for this purpose but civil defense failed to develop a worthwhile program, carrying over more than \$6 million. In this session, Congress added \$2 million of new money which was the full amount asked for shelter experiments and Congress so earmarked this appropriation.

In the past and even at the present, our civil-defense program is based on the concept of mass evacuation. This plan, even if workable, is completely unsound and unrealistic. In the event of actual attack, it would result only in mass mayhem. Everyone's evacuation is, first of all, impracticable for the simple reason that our Nation does not have the highways to exacuate key target areas, assuming that we received as much as 1½ hours' notice. An expenditure of several billions would be required to expand our highway system so that it would carry the traffic load even to points 15 miles outside the target areas.

At 15 miles or even 30 miles, there is little assurance that evacuated persons would escape death or serious injury. The reason for this is because the dangers of radioactive fallout are haphazardly discounted. Perhaps the lethal qualities of fallout were not realized at the time the mass evacuation plan was evolved, but now there can be no doubt that death by fallout can be an agonizing and prolonged torture such as few mortals have ever experienced. Therefore, mass evacuation, even if accom-

plished, offers little chance of escaping the fatal radiation of an atomic attack.

Mr. Speaker, it appears that shelters in which persons can remain for perhaps several days offer our only sure chance of survival. Most shelters, of course, would not withstand a nearby blast. The ensuing fires would destroy other shelters. The blast and fire is an imminent danger, however, only in the immediate bombed area. Everywhere else, shelters provide the only known means of surviving atomic attack.

As a defense against fallout, shelters are very certainly an integral part of our civil-defense system. It is appalling indeed that extremely few shelters or underground areas which might be used as such, are in existence today. One of the most effective, I am informed, is the subway running from the United States Capitol to the Senate Office Building. The subway to the House Office Building is a little too shallow. Any widespread shelter program in a metropolitan area might take a cue from the United States Capitol subway system. Shelters might well be dual purpose constructions, either as subterranean crossings at street intersections or as underground passageways or subway stations. In this fashion, a portion of the construction expense might be borne by others besides the Federal Government. The shelters alternate use would also serve to alleviate any misgivings that our elaborate shelter system would never be used.

At this point, what is urgently needed is more sound leadership and guidance on the part of the executive branch of Government. More than a year ago, President Eisenhower wrote Civil Defense Administrator Val Peterson:

An effective civil defense is an important deterrent against attack on our country and thus helps preserve peace. In the event of an attack upon us, civil defense at once becomes one of our immediate reactions imperatively required for our Nation's survival. * * * Therefore, our whole civil-defense effort needs both strengthening and modernizing.

The President's words are the consensus of almost everyone concerned with our civilian defense. Indeed, there has been a great laxity on the part of all concerned. Too little attention has been and is being given to civil defense.

The executive branch must inform the people and keep them informed on the actual dangers to be encountered in an atomic attack. The executive should not, of course, engage in a scare campaign but neither should it attempt to gloss over the honest facts. The public should be made aware of the terrible dangers of atomic radiation and fallout. The American people should also be educated on safe methods of surviving attack.

An adequate civil defense is a matter of national security. To base our peaceful existence upon the threat of massive retaliation, as we do, is to invite attack. In this horrible event, we must out-survive our enemy. Sufficient and effective shelters most certainly appear to be the key to our survival if thermonuclear war comes. Let our country exert every effort to build and maintain a strong and ready civil-defense system.

AMERICAN NEWSPAPERMEN GOING TO CHINA

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to include an editorial.)

Mr. McGOVERN. Mr. Speaker, the State Department should be given whatever credit is due for their belated decision to permit American newsmen to go into China and report back to the American people their observations. Certainly it is a lot better for us to have our own observers reporting to us from Communist China rather than being forced to rely on information from other sources as to what is going on in China.

It is regrettable, however, that the State Department should have reserved to itself the right to handpick the American reporters who have been cleared to go to China. In making this decision, the State Department did not select a single representative from any of the hundreds of smaller American daily newspapers. Only the large news-gathering organizations and metropolitan organizations and metropolitan newspapers are represented.

This discrimination against the newspapers which provide coverage for States such as my own is entirely out of line with the normal treatment of the American press. It betrays either a lack of confidence by the State Department in the smallest newspapers or else a callous disregard for their rights to the news sources that are made available to the large newspapers.

If the State Department insists on limiting the number of American reporters permitted to go into China, it should at least make certain that all segments of the press regardless of size should be represented. Is there any logical reason why any American newspaper desiring to give its readers firsthand information should be denied the right to send a reporter to China?

The Sioux Falls (S. Dak.) Argus-Leader is one newspaper that very much wanted to send a representative to China to cover developments there. Mr. John A. Kennedy, publisher and editor in chief of the Sioux Falls paper, has traveled widely in Russia and in central and eastern Europe in recent years. He wanted very much to give his readers the benefit of his observations from China. His application was not given favorable consideration.

The editorial comments of the editor of the Argus-Leader put the case of the smaller dailies very clearly and I submit them at this point in the RECORD.

WHY DENY RIGHTS TO SMALL NEWSPAPERS?

It was a wise decision of the United States Department of State to allow American reporters to go to China.

It was much less than wise, however, for the Department to delegate to itself the right to pick in effect the reporters who should go and to restrict their number.

The authorization provides that 24 reporters can go. These include representatives of 12 newspaper, radio, television, and news magazine organizations and 12 from individual newspapers.

Included among them is not one reporter from the smaller American dailies. Only the larger publications are listed.

This involves a discrimination that is intolerable under the American press system.

The smaller newspapers, too, gather the news in both the domestic and the foreign fields. They, too, are eager to obtain direct information for their readers and often spend large sums of money in so doing. This newspaper, for example, has sent its representatives to Russia, Poland, Czechoslovakia, Yugoslavia, and other satellite countries to get the news. That is a part of its policy because it believes the people of this area have the same right to receive firsthand information about these countries as do the residents of other sections of the Nation.

The Argus-Leader speaks for itself in this case, to be sure, but it speaks as well in behalf of a right that is a basic privilege of all American newspapers, both big and small. The Argus-Leader, if it so desires, has as much right to send a reporter to China as does the New York Times or the Minneapolis Tribune. And, in truth, the Argus-Leader desires to do so. Actually, early last month this newspaper filed with the Department of State a request that John A. Kennedy, publisher and editor-in-chief, be permitted to go to China. That request was acknowledged, but this newspaper was not included in the permission granted yesterday.

This newspaper, of course, asks no special privilege in this respect. It wants nothing denied to others, but it does want—and it believes with good reason—the right to seek out the news wherever it can within the proper scope of national policy.

The Department of State obviously has decided it is within good national policy to allow American reporters to go to China. That being the case, the Argus-Leader has the right to be represented. And so do all newspapers, regardless of size, that are willing to send reporters to China.

COLUMBIA BASIN PROJECT

Mr. ENGLE. Mr. Speaker, I call up the conference report on the bill (S. 1482) to amend certain provisions of the Columbia Basin Project Act, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 23, 1957.)

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

WITHDRAWALS, RESERVATIONS, OR RESTRICTIONS OF MORE THAN 5,000 ACRES OF PUBLIC LANDS OF THE UNITED STATES FOR CERTAIN PURPOSES

Mr. ENGLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5538) to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Con-

gress, and for other purposes, together with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, strike out all after line 19 over to and including line 4 on page 3 and insert: "(4) nothing in sections 1, 2, or 3 of this act shall be deemed to be applicable either to those reservations or withdrawals which expired due to the ending of the unlimited national emergency of May 27, 1941, and which subsequent to such expiration have been and are now used by the military departments with the concurrence of the Department of the Interior, or to the withdrawal of public domain lands of the Marine Corps Training Center, Twentynine Palms, Calif., and the Air-to-Air Gunnery Range, Sawwave Mountain, Nev."

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. ENGLE]?

Mr. BARING. Mr. Speaker, I object. It is necessary that I oppose my chairman's request for unanimous consent to concur in the Senate amendment to H. R. 5538. I originally coauthored that bill which was intended to restore to Congress its constitutional responsibilities to screen and approve the military use of our public domain. This bill is essential to stop unwarranted and flagrant misuse of public lands by the military. The amendment would exempt from the bill one of the largest military land grabs in history. I, therefore, object to the amendment but heartily endorse the bill as originally written.

TO AMEND DISTRICT OF COLUMBIA BUSINESS CORPORATION ACT

Mr. McMILLAN. Mr. Speaker, I call up the bill (H. R. 8220) to amend the District of Columbia Business Corporation Act and ask unanimous consent that the same be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina [Mr. McMILLAN]?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 7 (a) of the District of Columbia Business Corporation Act, as amended, is amended by striking the word "authorized" in the second sentence.

SEC. 2. Section 9 of said act is amended as follows:

In subsection (a) (3) after the words "proposing to reincorporate," insert the words "or incorporate."

SEC. 3. Section 11 (b) of said act is amended as follows:

(1) Insert "in duplicate" after "executed."

(2) At the end of subsection (b), strike "file such statement" and the period, insert in lieu thereof a colon, and add—

"(1) endorse on each of such duplicate originals the word 'Filed', and the month, day, and year of the filing thereof;

"(2) file one of such duplicate originals in their office;

"(3) return the other duplicate original to the corporation or its representative."

SEC. 4. Section 14 of said act is amended as follows:

(1) At the end of subsection (e) (2), strike the period, insert in lieu thereof a semicolon, and add: "(3) return the other

duplicate original to the corporation or its representative."

(2) Strike subsection (f).

(3) Reletter subsection (g) as subsection (f).

SEC. 5. Section 20 of said act is amended as follows:

Add a new subsection numbered "(f)" which shall read as follows: "(f) As to corporations availing themselves of the provisions of section 141 of this act, the provisions of this section 20 shall be applicable only to the shares of such corporations issued subsequent to such reincorporation or incorporation."

SEC. 6. Section 26 of said act is amended so that the first sentence shall read as follows: "Except as provided in section 134 hereof, written or printed notice stating the place, day, and hour of the meeting, and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than 10 nor more than 50 days before the date of the meeting, either personally or by mail, by or at the direction of the president, the secretary, or the officer or person calling the meeting, to each shareholder of record entitled to vote at such meeting."

SEC. 7. Section 39 of said act is amended so that the first sentence shall read as follows: "Except as provided in section 134 hereof, meetings of the board of directors shall be held upon such notice as is prescribed in the bylaws."

SEC. 8. Section 48 (b) of said act is amended by striking "recorded by the Commissioners in the office of the Recorder of Deeds" and inserting in lieu thereof "delivered to the incorporators or their representative."

SEC. 9. Section 52 (m) of said act is amended by striking "share" and inserting in lieu thereof "shares."

SEC. 10. Section 53 of the act is amended as follows:

In subsection (a), strike "Amendments to the articles of incorporation" and insert in lieu thereof "Amended articles of incorporation."

Subsection (b) (3) is amended by striking "the other duplicate original shall be recorded in the office of the Recorder of Deeds" and inserting in lieu thereof "issue an amended certificate of incorporation, to which they shall affix the other duplicate original."

Strike subsection (c) and in lieu thereof, insert a new subsection (c) as follows:

"(c) The amended certificate of incorporation with the duplicate original of the amended articles of incorporation affixed thereto shall be delivered to the corporation or its representatives."

Add a new subsection (d) as follows:

"(d) Upon the issuance of the amended certificate of incorporation, the amended articles of incorporation shall become effective and shall take the place of the original articles of incorporation."

SEC. 11. Section 57 (b) of said act is amended by striking "recorded in the office of the Recorder of Deeds" and inserting in lieu thereof "delivered to the corporation or its representative."

SEC. 12. Section 59 of said act is amended as follows:

(1) At the end of subsection (d) strike the period, insert in lieu thereof a semicolon, and add the following: "(3) return the other duplicate original to the corporation or its representative."

(2) Strike subsection (e).

(3) Reletter subsection (f) and (g) as subsections (e) and (f), respectively.

SEC. 13. Section 60 (b) (3) of said act is amended by striking "the other duplicate original shall be recorded in the office of the Recorder of Deeds" and inserting in lieu thereof "return the other duplicate original to the corporation or its representative."

SEC. 14. Section 61 (c) (3) of said act is amended by striking "the other duplicate original shall be recorded in the office of the Recorder of Deeds" and inserting in lieu thereof "return the other duplicate original to the corporation or its representative."

SEC. 15. Section 68 (c) of said act is amended by striking "recorded in the office of the Recorder of Deeds" and inserting in lieu thereof "delivered to the surviving or new corporation, as the case may be, or its representative."

SEC. 16. Section 72 of said act is amended as follows:

(1) In subsection (a) (3) strike "ownership" and insert in lieu thereof "merger."

(2) In subsection (b) strike "The certificate of merger or certificate of consolidation, together with the duplicate original affixed thereto, shall be recorded in the office of the Recorder of Deeds" and insert in lieu thereof "The certificate of merger, together with the duplicate original affixed thereto, shall be delivered to the surviving corporation or its representative."

(3) In subsection (c) strike "ownership" where it first appears and insert in lieu thereof "merger."

SEC. 17. Section 74 of said act is amended by striking "less than" in both instances where those words appear.

SEC. 18. Section 75 of said act is amended by inserting after the comma following "corporation" where it first appears "if not made in the usual and regular course of its business."

SEC. 19. Section 76 (c) of said act is amended by striking "recorded in the office of the Recorder of Deeds" and inserting in lieu thereof "delivered to the incorporators or their representatives."

SEC. 20. Section 79 (c) of said act is amended by striking "The other duplicate original shall be recorded in the office of the Recorder of Deeds" and inserting in lieu thereof "Return the other duplicate original to the corporation or its representative."

SEC. 21. Section 84 (c) of said act is amended by striking "The other duplicate original shall be recorded in the office of the Recorder of Deeds" and inserting in lieu thereof "Return the other duplicate original to the corporation or its representative."

SEC. 22. Section 87 (b) of said act is amended by striking "recorded in the office of the Recorder of Deeds" and inserting in lieu thereof "returned to the representative of the dissolved corporation."

SEC. 23. Section 104 (c) of said act is amended by striking "recorded in the office of the Recorder of Deeds" and inserting in lieu thereof "delivered to the corporation or its representative."

SEC. 24. Section 107 (c) (3) of said act is amended by striking "the other duplicate original shall be recorded in the office of the Recorder of Deeds" and inserting in lieu thereof "return the other duplicate original to the corporation or its representative."

SEC. 25. Section 108 (a) of said act is amended by striking "services" in the sixth sentence and inserting in lieu thereof "service."

SEC. 26. Section 113 (b) (5) of said act is amended by striking "him" and inserting in lieu thereof "them."

SEC. 27. Section 114 (b) of said act is amended by striking "recorded in the office of the Recorder of Deeds" and inserting in lieu thereof "delivered to the corporation or its representative."

SEC. 28. Section 115 of said act is amended as follows:

(1) Insert "(a)" after "SEC. 115." and before "The."

(2) Change "(a)", "(b)", "(c)", "(d)", "(e)", "(f)", "(g)", "(h)", and "(i)" as they now appear to "(1)", "(2)", "(3)", "(4)", "(5)", "(6)", "(7)", "(8)", and "(9)", respectively.

(3) In subsection (i) (redesignated "(9)") strike the comma after "Act," insert in lieu thereof a period, and strike "in which event the Commissioners shall give not less than 30 days' notice forwarded by registered mail, addressed to such corporation at its principal office as the same appears in the records of the Commissioners or at its registered office in the District, of their intent to revoke the certificate of authority."

(4) Add a new subsection (b) as follows:

"(b) No certificate of authority of a foreign corporation shall be revoked by the Commissioners unless (1) they shall have given the corporation not less than 30 days' notice by mail, addressed to such corporation at its principal office as the same appears in the records of the Commissioners or at its registered office in the District, of their intent to revoke the certificate of authority, and (2) the corporation, prior to such revocation and as the case may be, shall fail to submit satisfactory evidence that said certificate was not procured by such fraud, or that the corporation has not exceeded or abused such authority, or shall fail to pay such fees, charges, or penalties, or to appoint a registered agent in the District, or to file the required statement of change of registered office or registered agent, or to file such annual report, or to file a statement showing that it has transacted business in the District within a period of 2 years, or to file a copy of any such amendment to its articles of incorporation, or shall fail to submit satisfactory evidence that a misrepresentation of a material matter was not made in any such application, report, affidavit, or other document."

SEC. 29. Section 116 (a) of said act is amended as follows:

(1) In subparagraph (2) strike "his" and insert in lieu thereof "their."

(2) In subparagraph (3) insert before the first period "together with the other such certificate" and strike "The certificate of revocation, together with the duplicate original affixed thereto, shall be recorded in the office of the Recorder of Deeds."

SEC. 30. Section 121 (c) (2) of said act is amended by striking "(b)" and inserting in lieu thereof "(c)." Section 121 (c) (3) of said act is amended by striking "agreement" wherever it appears and inserting in lieu thereof "articles," and is further amended by striking "(b)" and inserting in lieu thereof "(c)," by inserting "of" between the words "shares such" and by changing the word "corporation" to "corporations" preceding the proviso in said section.

SEC. 31. Section 123 (b) of said act is amended by striking: "A certified copy of the proclamation shall be transmitted to the Recorder of Deeds and he shall cause notation of the fact of revocation to be made upon the articles of incorporation of each domestic corporation listed in said proclamation."

SEC. 32. Section 130 (a) of said act is amended by striking "him" and inserting in lieu thereof "them."

SEC. 33. Section 141 of said act is amended by striking all after "SEC. 141." and inserting in lieu thereof the following:

"I. REINCORPORATION"

"(a) Any corporation which is organized and existing under the laws of the District of Columbia on December 5, 1954, and which is organized for profit and for a purpose or purposes authorized by this act may avail itself of the provisions of this act and may become reincorporated hereunder in the following manner:

"(1) The board of directors shall adopt a resolution declaring it advisable in the judgment of the board that the corporation should be reincorporated under the provisions of this act, setting forth the proposed articles of reincorporation, and directing that such proposed reincorporation be submitted to a vote at a meeting of sharehold-

ers, which may be either an annual or a special meeting.

"(2) Written or printed notice setting forth the proposed articles of reincorporation or a summary thereof shall be given to each shareholder of record within the time and in the manner provided in this act for the giving of notice of meetings of shareholders.

"(3) At such meeting a vote of the shareholders shall be taken on the proposed reincorporation; and it shall be adopted upon receiving the affirmative vote of the holders of two-thirds of the outstanding shares unless two or more classes of shares are issued, in which event it shall be adopted upon receiving the affirmative vote of two-thirds of the outstanding shares of each class issued.

"(b) Upon receiving such approval, the articles of reincorporation shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, and shall set forth—

"(1) the name (which may be different from its existing name) under which the corporation elects to be reincorporated and which shall be subject to the other provisions of this act;

"(2) the address, including street and number if any, of its registered agent in the District of Columbia, and the name of its registered office at such address;

"(3) the period of duration, which may be perpetual and which may be different from its existing period of duration;

"(4) the purpose or purposes (which may be different from its existing purposes) which it will hereafter carry on, and which shall not include any purpose prohibited to a corporation organized under this act;

"(5) the aggregate number of shares which the corporation was authorized to issue and, if said shares were of one class only, the par value of each of such shares, or a statement that all were without par value, as the case may be; or if said shares were divided into classes, the number of shares of each class and a statement of the par value of each share of each such class or that such shares were without par value;

"(6) if the shares were divided into classes, the designation of each class and a statement of the preferences, qualifications, limitations, restrictions, and the special or relative rights in respect of the shares of each class and whether the shares of any class have full, limited, or no voting power;

"(7) any other provision, not inconsistent with law or this act (whether or not included in its existing certificate of incorporation), for the regulation of the internal affairs of the corporation, including any provision which under this act is required or permitted to be set forth in the bylaws;

"(8) the number of directors of the corporation, and a statement that the board of directors adopted a resolution declaring it advisable in the judgment of the board that the corporation should be reincorporated under the provisions of this act in the manner set forth in the articles of reincorporation;

"(9) a statement that the corporation elects to surrender its existing charter and to be reincorporated under and subject to the provisions of this act;

"(10) the aggregate number of shares outstanding of each class; and

"(11) the number of shares of each class voted for and against such reincorporation.

"(c) It shall not be necessary to set forth in the articles of reincorporation any of the corporate powers enumerated in this act. Whenever a provision of the articles of reincorporation is inconsistent with a bylaw, the provision of the articles of reincorporation shall be controlling.

"(d) Duplicate originals of the articles of reincorporation shall be delivered to the

Commissioners. If the Commissioners find that the articles of reincorporation conform to law, they shall, when all fees and charges have been paid as in this act prescribed—

"(1) endorse on each of such duplicate originals the word 'Filed' and the month, day, and year of the filing thereof;

"(2) file one of such duplicate originals in their office;

"(3) issue a certificate of reincorporation to which they shall affix the other duplicate original;

"(4) delivered such certificate of reincorporation and other duplicate original to the corporation or its representative.

"II. INCORPORATION"

"(a) Any corporation which is created under the provisions of a special act of Congress to transact business in the District of Columbia for profit and for purposes authorized by this act may avail itself of the provision of this act and may become incorporated hereunder in the following manner:

"(1) The board of directors shall adopt a resolution declaring it advisable in the judgment of the board that the corporation should elect to avail itself of the provisions of this act and become incorporated hereunder, and directing that such proposed incorporation be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

"(2) Written or printed notice of such proposed incorporation shall be given to each shareholder of record within the time and in the manner provided in this act for the giving of notice of meetings of shareholders.

"(3) At such meeting a vote of the shareholders shall be taken on the proposed incorporation; and it shall be adopted upon receiving the affirmative vote of the holders of a majority of the outstanding shares, unless two or more classes of shares are issued in which event it shall be adopted upon receiving the affirmative vote of a majority of the outstanding shares of each class issued.

"(b) Upon such approval being given by the shareholders, a statement of incorporation shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, and shall set forth—

"(1) the name of the corporation, which shall contain the word 'corporation,' 'company,' 'incorporated,' or 'limited,' or shall end with an abbreviation of one of said words;

"(2) the address, including street and number, if any, of its registered office in the District of Columbia, and the name of its registered agent at such address;

"(3) the purpose or purposes for which the corporation was organized and which it will hereafter carry on;

"(4) the aggregate number of shares which the corporation was authorized to issue and, if said shares were of one class only, the par value of each of such shares, or a statement that all were without par value, as the case may be; or if said shares were divided into classes, the number of shares of each class and a statement of the par value of each share of each such class or that such shares were without par value;

"(5) if the shares were divided into classes, the designation of each class and a statement of the preferences, qualifications, limitations, restrictions, and the special or relative rights in respect of the shares of each class and whether the shares of any class have full, limited, or no voting power;

"(6) a statement that the corporation elects to avail itself of the provisions of this act and become incorporated thereunder;

"(7) the number of directors of the corporation, and a statement that the board of directors adopted a resolution declaring it advisable in the judgment of the board



Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
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HIGHLIGHTS: See page 6

SENATE

1. WATER RESOURCES. Debated S. Res. 148, to prescribe procedures and contents for certain reports by executive agencies on proposed conservation and development of land and water projects. The committee amendments were agreed to. Sen. Watkins' motion to recommit the bill was pending at recess. pp. 896-7, 901-21
2. SOIL BANK. Sen. Goldwater inserted an article in answer to charges against the farm program in Look Magazine. He also inserted a summary of CCC payments over \$50,000 paid to Mont. farmers. pp. 875-9
Sen. Stennix criticized the procedures used in allocating acreage reserve funds under the soil bank in Miss., urged an extension of the time for submitting applications, and inserted correspondence on the subject. pp. 892-3
3. DISASTER LOANS. Passed without amendment S. 2920, making excessive rainfall an additional criterion for Small Business Administration loans. pp. 900-1
4. FARM PROGRAM. Sen. Langer inserted the policy resolutions of the Vegetable Growers Ass'n. opposing price supports, diversion of land not under acreage allotments, the soil bank, and reclamation; and supporting marketing agreements, conservation, cooperatives, standard grading, research, weed control, farmer-elected committees, and protective tariffs. pp. 838-41

5. WOOL. Sen. Barrett inserted his speech to the National Wool Growers Ass'n commending the operation of the Wool Act and urging support for S. 2861, to extend the operation of the act for 4 years. pp. 264-6
Sen. Morse inserted a letter from the Governor of Oregon urging enactment of S. 2861, to extend the National Wool Act for 4 more years. p. 885
6. DAIRY INDUSTRY. Sen. Thye inserted a letter urging continuation of present dairy support prices. p. 883
7. FORESTRY. Sen. Morse inserted a report by the Bureau of Land Management on their timber road construction, and their summary of the Bureau's work in Ore. in 1957. pp. 887-8

HOUSE

8. WATERSHEDS. The Agriculture Committee approved, and submitted to the House, the following watershed projects: High Pine Creek, Ala.; Big Sandy Creek, Colo.; Abbotts Creek and Deep Creek, N. C.; Knob Creek and York Creek, Tex. The letter of approval was referred to the Appropriations Committee. p. 922
9. EDUCATION. Both Houses received the President's message for an expanded program of scientific education (H. Doc. 318). pp. 836, 923-24
Both Houses received proposed bills from HEW to implement the expanded program of scientific education; to H. Education and Labor Committee and S. Labor and Public Welfare Committee. pp. 836, 968
Received from the U. S. Advisory Commission on Educational Exchange the semiannual report on educational exchange activities (H. Doc. 317). p. 968
10. PUBLIC LANDS. House conferees were appointed on H. R. 5538, to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands for military purposes shall not become effective until approved by act of Congress. Senate conferees have not been appointed. p. 924
11. WATER POLLUTION. Rep. Price objected to the President's recommendation that Federal grants for water pollution control be dropped in 1959, and urged continuation of the program. pp. 924-25
12. FOREIGN AID. Several Representatives discussed various aspects of U. S. foreign affairs, including increased economic aid to underdeveloped countries. pp. 939-56
13. MONOPOLIES. Rep. Patman spoke in favor of enactment of legislation to permit "proceedings against the big businesses who discriminate in price to the destruction of small and independent business enterprises." pp. 956-57
14. ELECTRIFICATION. Rep. Gubser inserted his recent testimony before the House Interior and Insular Affairs Committee in support of the proposal to develop Trinity River power by a partnership between the Federal Government and private enterprise. pp. 959-61
15. COMMITTEE EMPLOYEES. Received from the various committees reports on the names and salaries of its employees, and on expenditure of funds. pp. 963-68
16. ROADS. Both Houses received from Commerce a proposed bill "to revise the Federal-aid highway laws of the United States"; to Public Works Committees. pp. 969, 836

Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

In compliance with the provisions of the act of March 3, 1915, as amended, establishing the National Advisory Committee for Aeronautics, I transmit herewith the 43d annual report of the Committee covering the fiscal year 1957.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, January 27, 1958.

ELECTION OF MEMBERS TO VARIOUS COMMITTEES

Mr. MILLS. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 452

Resolved, That the following-named Members be, and they are hereby, elected members of the following standing committees of the House of Representatives:

Committee on the District of Columbia: ERWIN MITCHELL, Georgia.

Committee on Education and Labor: JOHN H. DENT, Pennsylvania.

Committee on Merchant Marine and Fisheries: VINCENT J. DELLY, New Jersey.

Committee on Post Office and Civil Service: VINCENT J. DELLY, New Jersey.

Committee on Veterans' Affairs: ERWIN MITCHELL, Georgia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EDUCATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 318)

The SPEAKER laid before the House the following message from the President of the United States, which was read, referred to the Committee on Education and Labor, and ordered to be printed:

To the Congress of the United States:

Education best fulfills its high purpose when responsibility for education is kept close to the people it serves—when it is rooted in the home, nurtured in the community, and sustained by a rich variety of public, private, and individual resources. The bond linking home and school and community—the responsiveness of each to the needs of the others—is a precious asset of American education.

This bond must be strengthened, not weakened, as American education faces new responsibilities in the cause of freedom. For the increased support our educational system now requires, we must look primarily to citizens and parents acting in their own communities, school boards, and city councils, teachers, principals, school superintendents, State boards of education and State legislatures, trustees, and faculties of private institutions.

Because of the national security interest in the quality and scope of our educational system in the years immediately ahead, however, the Federal Government must also undertake to play an emergency role. The administration is therefore recommending cer-

tain emergency Federal actions to encourage and assist greater effort in specific areas of national concern. These recommendations place principal emphasis on our national security requirements.

Our immediate national security aims—to continue to strengthen our Armed Forces and improve the weapons at their command—can be furthered only by the efforts of individuals whose training is already far advanced. But if we are to maintain our position of leadership, we must see to it that today's young people are prepared to contribute the maximum to our future progress. Because of the growing importance of science and technology, we must necessarily give special—but by no means exclusive—attention to education in science and engineering.

The Secretary of Health, Education, and Welfare and the Director of the National Science Foundation have recommended to me a comprehensive and interrelated program to deal with this problem. Such program contemplates a major expansion of the education activities now carried on by the National Science Foundation, and the establishment of new programs in the Department of Health, Education, and Welfare. I have approved their recommendations, and commend them to the Congress as the administration program in the field of education. This is a temporary program and should not be considered as a permanent Federal responsibility.

PROGRAMS OF THE NATIONAL SCIENCE FOUNDATION

The programs of the National Science Foundation designed to foster science education were developed in cooperation with the scientific community under the guidance of the distinguished members of the National Science Board. They have come to be recognized by the educational and scientific communities as among the most significant contributions currently being made to the improvement of science education in the United States.

The administration has recommended a fivefold increase in appropriations for the scientific education activities of the National Science Foundation. These increased appropriations will enable the Foundation, through its various programs, to assist in laying a firmer base for the education of our future scientists. More immediately, these programs will help supply additional highly competent scientists and engineers vitally needed by the country at this time.

1. Improvement of the subject-matter knowledge of science and mathematics teachers: First, the administration is recommending an increase in funds to support institutes sponsored by the Foundation for the supplementary training of science and mathematics teachers and a somewhat larger increase to support teacher fellowships. This will provide additional study opportunities to enable more science and mathematics teachers in our schools and colleges to improve their fundamental knowledge and, through improved teaching techniques, stimulate the interest

and imagination of more students in these important subjects.

2. Improvement of course content: Second, the administration is recommending an increase in funds to enable the Foundation to stimulate the improvement of the content of science courses at all levels of our educational system. The efforts of even the most dedicated and competent teachers will not be effective if the curricula and materials with which they work are out-of-date or poorly conceived.

3. Encouragement of science as a career: Third, the administration is proposing an expansion of the Foundation's programs for encouraging able students to consider science as a career. Good teaching and properly designed courses are important factors in this regard, but there are other ways in which interest in these fields may be awakened and nurtured. The Foundation has already developed a series of programs directly focused on the problem of interesting individual students in science careers, and these programs should be expanded.

4. Graduate fellowships: Fourth, the administration is recommending an increase in the Foundation's graduate fellowship program. The enlarged program will make it possible for additional competent students to obtain better training for productive and creative scientific effort.

5. Expansion of other programs: The administration is recommending that funds be provided to enable the Foundation to initiate several new programs which will provide fellowship support for secondary school science teachers (during the summer months), for graduate students who serve during the school year as teaching assistants, and for individuals who wish to obtain additional education so that they may become high school science and mathematics teachers.

PROGRAMS OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The education programs of the National Science Foundation deal exclusively with science education and operate mainly through scientific societies and science departments of colleges and universities. There is, however, an emergency and temporary need for certain additional Federal programs to strengthen general education, and also for certain Federal programs to strengthen science education in our State and local school systems. The administration is recommending legislation authorizing these additional programs in the Department of Health, Education, and Welfare for a 4-year period only.

1. Reducing the waste of talent: High-quality professional personnel in science, engineering, teaching, languages, and other critical fields are necessary to our national security effort. Each year, nevertheless, many young people drop out of high school before graduation. Many able high-school graduates do not go on to college. This represents a waste of needed talent. Much of this waste could be avoided if the aptitudes of these

young people were identified and they were encouraged toward the fullest development of their abilities.

The administration proposes, therefore, that the Congress authorize:

(a) Matching grants to the States to encourage improved State and local testing programs to identify the potential abilities of students at an early stage in their education.

(b) Matching grants to the States to encourage the strengthening of local counseling and guidance services, so that more able students will be encouraged to stay in high school, to put more effort into their academic work, and to prepare for higher education. The program also would provide for grants of funds to colleges and universities to permit them to establish training institutes to improve the qualifications of counseling and guidance personnel.

(c) A program of Federal scholarships for able high-school graduates who lack adequate financial means to go to college. The administration recommends approximately 10,000 new scholarships annually, reaching a total of 40,000 in the fourth year, to be closely coordinated with the testing and counseling programs. Scholarships should be allotted among the States on an equitable basis and awarded by State agencies on the basis of ability and need. Although it should not be compulsory for students to pursue a specific course of study in order to qualify, reasonable preference should be given to students with good preparation or high aptitude in science or mathematics.

2. Strengthening the teaching of science and mathematics: National security requires that prompt action be taken to improve and expand the teaching of science and mathematics. Federal matching funds can help to stimulate the organization of programs to advance the teaching of these subjects in the public schools.

The administration therefore recommends that the Congress authorize Federal grants to the States, on a matching basis, for this purpose. These funds would be used, in the discretion of the States and the local school systems, either to help employ additional qualified science and mathematics teachers, to help purchase laboratory equipment and other materials, to supplement salaries of qualified science and mathematics teachers, or for other related programs.

3. Increasing the supply of college teachers: To help assure a more adequate supply of trained college teachers, so crucial in the development of tomorrow's leaders, the administration recommends that the Congress authorize the Department of Health, Education, and Welfare to provide:

(a) Graduate fellowships to encourage more students to prepare for college-teaching careers. Fellows would be nominated by higher educational institutions.

(b) Federal grants, on a matching basis, to institutions of higher education to assist in expanding their graduate school capacity. Funds would be used, in the discretion of the institution itself, either for salaries or teaching materials.

4. Improving foreign language teaching: Knowledge of foreign languages is particularly important today in the light of America's responsibilities of leadership in the free world. And yet the American people generally are deficient in foreign languages, particularly those of the emerging nations in Asia, Africa, and the Near East. It is important to our national security that such deficiencies be promptly overcome. The administration, therefore, recommends that the Department of Health, Education, and Welfare be authorized to provide a 4-year program for:

(a) Support of special centers in colleges and universities to provide instruction in foreign languages which are important today but which are not now commonly taught in the United States.

(b) Support of institutes for those who are already teaching foreign languages in our schools and colleges. These institutes would give training to improve the quality and effectiveness of foreign language teaching.

5. Strengthening the Office of Education: More information about our educational system on a national basis is essential to the progress of American education. The United States Office of Education is the principal source of such data.

Much of the information compiled by the Office of Education must originate with State educational agencies. The administration therefore recommends that the Office of Education be authorized to make grants to State educational agencies for improving the collection of statistical data about the status and progress of education.

This emergency program stems from national need, and its fruits will bear directly on national security. The method of accomplishment is sound: The keystone is State, local, and private effort; the Federal role is to assist—not to control or supplant—those efforts.

The administration urges prompt enactment of these recommendations in the essential interest of national security.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, January 27, 1958.

WITHDRAWALS OF PUBLIC LANDS

Mr. ENGLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5538) to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California?

The Chair hears none, and appoints the following conferees: Messrs. ENGLE, BARING, ASPINALL, SAYLOR, and DAWSON of Utah.

CORRECTION OF ROLL CALL

Mr. CLARK. Mr. Speaker, on roll call No. 5 I was recorded as not being pres-

ent. I was present and voted "nay." I ask unanimous consent that the permanent Record and the Journal be corrected accordingly.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

POLLUTION OF AMERICAN STREAMS

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PRICE. Mr. Speaker, the President's budget message delivered in this Chamber last week made a number of points that disturb me. One that especially concerns me is his recommendation that Federal grants to combat pollution of our streams and rivers be dropped at the end of fiscal 1959.

This program that the President would bludgeon was passed by Congress and took effect in July 1956 as Public Law 660. This law provided for grants amounting to \$500 million—but not to exceed \$50 million in any 1 year—over a 10-year period to help State and local governments battle against the destruction of the Nation's most precious natural resource—water. This destruction results from the dumping into our streams and rivers of ever-increasing amounts of raw human and industrial wastes.

We have turned too many of our water courses into cesspools. But Public Law 660, authored by the farseeing gentleman from Minnesota [JOHN BLATNIK] has been the impetus for increased construction of sewage treatment plants and research in the complex problem of water pollution.

Even so, we have a \$2 billion backlog in treatment facilities and our industrial expansion and population boom are making the situation worse. Yet, the President would have us halt this vital program.

The President's recommendation that the Federal antipollution program be halted stems from the report of the Joint Federal-State Action Committee, created last summer at his behest. The committee concluded, and I quote, "that local waste-treatment facilities are primarily a local concern."

This conclusion bears no relation to reality in many of our river and stream basins. We are now aware that untreated wastes spilling into the upper reaches of a river affect the quality of the water supply of communities all the way downstream. Out of this realization that the problem is frequently an interstate matter such organizations as the Ohio River Valley Water Sanitation Commission have been formed. In the first year of United States Public Health Service grants under Public Law 660, 30 Ohio Valley municipalities with a total population of 1,492,150 were approved for grants amounting to \$3,763,118. The estimated cost in dollars of these projects was \$16,943,150, so you can see that for every \$1 of Federal money, local and State governments put up over \$4.

The Joint Action Committee reported that the annual dollar volume of waste-treatment plant construction in recent years has been rising. In 1952, \$176

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued January 30, 1958
For actions of January 29, 1958
85th-2d, No. 14

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HIGHLIGHTS: Senate committee approved various watershed projects. House committee ordered reported bill for study of outdoor recreation resources. Sen. Proxmire introduced and discussed bills to extend special milk program, to increase supply of dairy products available to Armed Forces, and to extend brucellosis eradication program for 2 years.

SENATE

1. **WATERSHEDS.** The Agriculture and Forestry Committee approved the following watershed projects: High Pine Creek, Ala.; Knob Creek, Tex.; York Creek, Tex.; Big Sandy Creek, Colo.; Abbotts Creek, N.C.; and Deep Creek, N.C. p. D56
2. **PUBLIC LANDS.** Senate conferees were appointed on H. R. 5538, to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands for military purposes shall not become effective until approved by act of Congress. House conferees have been appointed. p. 1097
3. **PERSONNEL.** Passed without amendment S. Res. 208, authorizing the Post Office and Civil Service Committee to investigate the administration of the civil service system, the Federal employees group life insurance system, etc., and appropriating \$50,000 for the next year. pp. 1083-4
4. **TRANSPORTATION.** Sen. Neuberger urged repeal of the Federal excise taxes on freight and passenger transportation, and inserted his letter to ICC and several editorials on the adverse effects of the tax on the economy of the Pacific Northwest. pp. 1070-2

5. FOREIGN AFFAIRS. Sen. Green inserted an address by the Turkish ambassador on the economy of Turkey, including the position of the farmer. pp. 1073-5
6. TEXTILES. The Interstate and Foreign Commerce Committee announced that a special subcommittee would hold hearings on H. R. 469, to protect producers and consumers against the false advertising and misbranding of the fiber content of textile products. Membership of the subcommittee and the date of hearings will be announced later. p. D57
7. SALT-WATER RESEARCH. Both Houses received from the Interior Department its report of operations in 1957 under the Saline Water Conversion Act of 1952. pp. 1065, 1125.

HOUSE

8. RECREATION RESOURCES. The Interior and Insular Affairs Committee ordered reported with amendment S. 846, to establish a National Outdoor Recreation Resources Review Commission to study the outdoor recreation resources of public lands. p. D59
9. DISASTER LOANS. Rep. Gathings urged enactment of legislation to provide relief for areas suffering from excessive rainfall. pp. 1124-25
10. PERSONNEL. Both Houses received from this Department a report on positions placed in grades GS-16, GS-17, and GS-18 pursuant to Public Law 854, 84th Congress. pp. 1065, 1125
11. CIVIL DEFENSE. Both Houses received the quarterly report of Federal contributions for civil defense. pp. 1064, 1125
12. EXPORT-IMPORT BANK. Both Houses received from the Export-Import Bank a proposed bill to increase the lending authority of the Bank; to Banking and Currency Committees. pp. 1064, 1125
13. ELECTRIFICATION. Received from the Federal Power Commission a publication, "Statistics of Electric Utilities in the United States, 1956, Privately Owned Companies." p. 1125
14. EDUCATION. Both Houses received from HEW the annual report on Federal assistance to local educational agencies in areas affected by Federal activities. pp. 1065, 1125

ITEMS IN APPENDIX

15. ECONOMICS. Sen. Neuberger inserted Sen. Douglas' recent address, "Economic Realities and Administration Optimism." pp. A759-61
Sen. O'Mahoney inserted Louis Bean's recent address, "Business and Political Trends And Prospects In 1958." pp. A763-4
16. FORESTRY. Sen. Neuberger inserted an editorial discussing two definitions of wilderness, and stating that the definition governs the "management, or nonmanagement, of the wilderness areas supervised by the Forest Service." p. A765

our other means—by economic and technical assistance; by recognition of human dignity, through enforcement of civil rights; and by immigration legislation which is just and fair, and takes account of what is taking place in the world, and takes account not only of our own strengths, but also of the weaknesses of our enemies, in terms of the things in which we believe and which we hold the most dear—that is the package—constituting, as I see it, the way by which we hope to avoid world war III. I shall do all that I can, and I deeply believe that many other Members of the Senate take the same position, in the belief that that is the package—one dealing with human values with weapons as our shield—by means of which we can negotiate for peace from a position of strength.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 235) was agreed to, as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate to examine, investigate, and make a complete study of any and all matters pertaining to immigration and naturalization.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1958, to January 31, 1959, inclusive, is authorized to (1) make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants; *Provided*, That the minority is authorized to select 1 person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1959.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed \$90,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

WITHDRAWALS OF LANDS FOR CERTAIN PURPOSES

The PRESIDING OFFICER (Mr. CHURCH in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H. R. 5538) to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendment, agree to the request of the House for a confer-

ence, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ANDERSON, Mr. BIBLE, Mr. CHURCH, Mr. MALONE, and Mr. ALLOTT conferees on the part of the Senate.

INVESTIGATION OF IMPROVEMENT AND STRENGTHENING OF THE FEDERAL CRIMINAL CODE

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1223, Senate Resolution 238, to investigate matters pertaining to the improvement and strengthening of the Federal Criminal Code.

The motion was agreed to; and the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 20, after the word "exceed", to strike out "\$45,000" and insert "\$40,000", so as to make the resolution read:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the improvement and strengthening of the Federal Criminal Code, including ways and means of improving Federal law enforcement and administration of justice in United States Courts through changes in and additions to existing laws and procedures.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1958, to January 31, 1959, inclusive, is authorized to (1) make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants; *Provided*, That the minority is authorized to select 1 person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1959.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed \$40,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. ELLENDER. Mr. President, does the resolution relate to the same subcommittee, which was created during the 84th Congress, for the purpose of making studies and investigations regarding narcotics? Does the resolution provide for a renewal or continuation of that subcommittee?

Mr. O'MAHONEY. Yes. At that time the chairman was the distinguished Senator from Texas, now the Governor of Texas, Mr. Daniel.

Mr. ELLENDER. I notice that the new title of the subcommittee is "Subcommittee on Improvements in the Federal Criminal Code."

Mr. O'MAHONEY. Yes; and that was the title at that time.

Mr. ELLENDER. Is the work the same? Was any more proposed legislation submitted to the subcommittee?

Mr. O'MAHONEY. The Senator from Louisiana may recall that at the last session a good deal of time was devoted to the enactment of a bill, reported by the subcommittee, with respect to clarification of the decision of the Supreme Court in the Jencks case. By means of that bill, we gave protection to the files of the FBI from unnecessary raids by racketeers, but at the same time we preserved the rights of defendants to all information brought against them by the Government.

This subcommittee—which is composed of only 3 members, and has a staff composed of 3 persons—has a great deal of work to do. We are investigating searches and seizures in Federal cases, arrest and arraignments, firearms control, interception of telephonic communications, obstruction of justice statutes, perjury statutes, appeals by the United States, adequate counsel in criminal cases, disparity of sentences in criminal cases, credit for time already served when a person is convicted of criminal offenses, Federal criminal statutes, and related subjects.

I should like to point out that with the increased facility in transportation, the criminal racketeer today has opportunities which never existed in the days when many of the Federal criminal statutes were enacted.

The Judiciary Committee adopted the program of this subcommittee, and the Committee on Rules and Administration endorsed it, because of the conviction that there is great need for study of this matter.

Mr. ELLENDER. Let me point out to my good friend, the Senator from Wyoming, that—as I stated a moment ago—the subcommittee originated during the 84th Congress, and its function was to seek ways and means to control the illegal trafficking in narcotics, including marihuana and similar drugs.

Mr. O'MAHONEY. And the investigation which we made at that time revealed the need of continued study.

Mr. ELLENDER. So the subcommittee has branched out into other things; that is exactly what has happened.

Mr. O'MAHONEY. The Senator from Louisiana well knows that crime in the United States is on the increase.

Mr. ELLENDER. That is correct.

Mr. O'MAHONEY. I am sure that no one is more anxious than is he that the laws be closely examined, in order to make sure that, if we can improve the Federal Criminal Code, we do so.

Mr. ELLENDER. I agree that crime is on the increase, but I doubt that the expenditure of \$40,000, as proposed in this resolution, will appreciably reduce the American crime rate.

Mr. O'MAHONEY. On that point, I do not agree with the Senator from Louisiana.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The resolution, as amended, was agreed to.

INVESTIGATION OF JUVENILE DELINQUENCY

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1222, Senate Resolution 237, to investigate juvenile delinquency in the United States.

The motion was agreed to; and the Senate proceeded to consider the resolution.

Mr. HENNINGS. Mr. President, this resolution relates to a special subcommittee of the Judiciary Committee. The subcommittee has been engaged on its work for approximately 5 years.

During the past year, the subcommittee distributed approximately 10,000 copies of reports and printed transcripts of hearings throughout the United States. Of this number, 6,000 of the documents were Report No. 130, the so-called omnibus report of the committee. While we still receive numerous requests for this document, we have only a limited number left, and these are distributed to congressional offices and professional organizations and agencies.

The staff of the committee has handled over 6,000 pieces of correspondence from a variety of professional and non-professional people and organizations concerned with this growing and pressing problem on our body politic.

The subcommittee has been asked to appear in a large number of the major cities of the United States.

We feel we are learning a great deal, as time goes on, about problems of the youth of the country.

We plan for a small staff of only seven people. We are asking only for \$75,000.

Now, the following are proposed legislation before the 85th Congress:

S. 675, a bill to amend section 2314, title 18, United States Code, with respect to the transportation in interstate commerce of articles obtained by false or fraudulent pretenses, representations, or promises, or through any scheme or artifice to defraud.

S. 980, a bill to authorize the establishing by the Surgeon General of an aftercare posthospital treatment program for drug addiction and for other purposes.

S. 981, a bill to create an Advisory Committee on Drug Addiction in the Department of Health, Education, and Welfare.

We all know, only too well, what a problem marihuana and drug addiction present in this country, particularly among our youth.

S. 982, a bill to establish a hospital of the Public Health Service in one of the Pacific Coast States, especially equipped for the treatment of persons addicted to the use of habit-forming drugs.

S. 2558, a bill to amend title 18, United States Code, to prohibit interstate traffic in switchblade knives and to prevent

these instruments from getting into the hands of juveniles.

We all read accounts carried in the Washington papers and in our home newspapers of young men, and indeed young women, engaged in mugging activities and other assaults. Among the instruments used are switchblade knives, which many of us who have had anything to do with prosecution in criminal cases know are lethal, death-dealing instruments.

Also to be considered by Congress are:

A bill to amend the law dealing with indecent publications in the District of Columbia.

A bill to amend the act entitled "An act to create a Juvenile Court in the District of Columbia," so as to provide for the appointment of a referee.

A bill to amend section 7 of the Juvenile Court Act of the District of Columbia. This bill puts the Director of Social Work under the judge.

A bill to provide assistance to and cooperation with States in strengthening and improving State and local programs for the diminution, control, and treatment of juvenile delinquency.

A bill to amend title 18, United States Code, to make unlawful certain practices in connection with the placing of minor children for permanent free care or for adoption.

That bill relates to the so-called baby-adoption racket.

A bill to make uniform the law of reciprocal enforcement of support in the District of Columbia.

For the coming year the Subcommittee To Investigate Juvenile Delinquency intends to continue its investigations and studies concentrating on the following areas:

Training schools: Evidence gathered by the subcommittee indicates that many State training schools for delinquent boys and girls indulge in practices that are inimical, certainly, to the boys and girls put in their care, and that some do not have adequate facilities for either rehabilitation or proper custody.

The committee plans to go more deeply into this situation in order to ascertain its pervasiveness. If called for, hearings will be held on the problem. During such hearings we could hear from persons concerned with this situation, including Federal Bureau of Prisons' inspectors who have been to training schools throughout the United States.

We also intend to look further into the induction policies of the Armed Forces. A questionnaire on the policies of the Selective Service System in regard to former juvenile delinquents has been developed and sent to all State Selective Service boards. Background material has been collected from officials of the Selective Service System, from the various Armed Forces, from civilian agencies that come into contact with the problem, such as juvenile courts, and from the several veterans' organizations. A compilation is also being made of some 250 questionnaires which were sent to juvenile courts requesting information concerning their practices, procedures, and philosophies on this subject.

We have recently held hearings in the city of New York having to do with a total community plan for the handling of juvenile delinquents.

Also, the committee intends to look more closely into the problems of probation, parole, and juvenile courts.

Also, the committee intends to go into the handling of delinquent and incorrigible children in the public school systems of the United States, which we know is a problem of great magnitude.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. ELLENDER. Mr. President, I cannot help but express extreme disappointment that the Judiciary Committee of the Senate should come before the Senate and ask to continue the juvenile delinquency subcommittee. The subcommittee was organized back in the 83d Congress by former Senator Hendrickson, of New Jersey. The RECORD is replete with statements from him and from those who succeeded him that the end of the study was in sight.

Last year, when the Senator from Tennessee [Mr. KEFAUVER] headed the subcommittee, he said—the statement is in the RECORD—that the money then being requested would enable the subcommittee to wind up its work. Yet, here we are again presented with a request for \$75,000 to further study juvenile delinquency.

The Committee on Judiciary of the Senate has enough facts, enough material on hand, concerning juvenile delinquency to write and present almost any kind of legislation one can imagine, but the subcommittee wants to investigate further. I do not know what other facts can be ferreted out.

The question of juvenile delinquency can never be cured by simply holding hearings. The cure must begin in the home, and in the schools.

Yesterday I made a report on my visit to Russia. I wish to say that in that country juvenile delinquency is unknown.

Mr. HENNINGS. I have been there, too, Senator. As we all know, Russia is a monolithic state. We know that the iron hand of discipline, the iron hand of conformity, is laid upon every man, woman, and child.

Mr. ELLENDER. I disagree with the statement of my friend. Such is not the case. The fact of the matter is that children there are kept busy.

Mr. HENNINGS. Well, I saw it from different eyes than those of the Senator from Louisiana.

Mr. ELLENDER. Perhaps the Senator did, or, perhaps the Senator did not see as much as I did. I visited various cities. I visited schools. I visited homes. I believe I know what I am talking about.

Mr. President, we will never solve the problem of juvenile delinquency by continuing these investigations. I return to the proposition that we have enough facts, enough evidence on hand now, to draft legislation, if any be required.

The money requested is simply to be provided in order to keep on the payroll the people who are now there, and for no other purpose.



Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued February 14, 1958
For actions of February 13, 1958
85th-2d, No. 22

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HIGHLIGHTS: Senate subcommittee ordered reported bills to extend school milk and armed forces dairy programs and brucellosis eradication. Senate agreed to conference report on bill to restrict certain withdrawals of public lands. Senate subcommittee deferred action on wool bill until receipt of further information from USDA. Rep. Blitch urged greater aid for flue-cured tobacco farmers. Both Houses received USDA proposed bill to facilitate insurance of farm ownership and soil and water conservation loans. Rep. McCormack announced Interior appropriation bill will be considered next week. Rep. Dorn urged additional soil bank funds for cotton farmers. Sen. Aiken introduced and discussed bill to provide additional acreage reserve funds. Sens. Humphrey and Aiken introduced and Sen. Humphrey discussed bill to prevent reduction in dairy price supports prior to consideration by Congress. Sens. Humphrey and Symington introduced and Sen. Humphrey discussed bill to prevent reductions in price supports or acreage allotments prior to consideration by Congress. Rep. Ullman introduced and discussed bill to extend and expand Marketing Agreement Act. Sen. Dworshak inserted Asst. Secy. McLain's testimony on wool.

SENATE

1. DAIRY INDUSTRY; BRUCELLOSIS; WOOL. The Daily Digest announced that the Agricultural Production, Marketing, and Price Stabilization Subcommittee ordered reported to the full Agriculture and Forestry Committee clean bills "(1) to extend the special school milk program for 3 years, (2) to extend the dairy products program for the armed services and the Veterans' Administration for 3 years, and (3) to extend the brucellosis eradication program for 2 years." The Subcommittee deferred action on S. 2861, to extend the National Wool Act for 4 years, "until receipt of further information from the Department of Agriculture on payments made under the act." pp. D101-2
2. PUBLIC LANDS. Agreed to the conference report on H. R. 5538, to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands for military purposes shall not become effective until approved by act of Congress. The House has not yet acted on the conference report. p. 1771
3. GSA; SURPLUS PROPERTY; BUILDING AND GROUNDS. The Government Operations Committee reported the following bills:
Without amendment, S. 2283, to establish a permanent Administrative Operations Fund under the Federal Property and Administrative Services Act of 1949 (S. Rept. 1285). p. 1743
With amendment, S. 2224, to amend the Federal Property and Administrative Services Act in regard to advertised and negotiated disposals of surplus property (S. Rept. 1284). p. 1743
With amendment, S. 2231, to permit the exercise of options in certain leases of Government property (S. Rept. 1286). p. 1743
4. FARM PROGRAM. Sen. Humphrey stated that consumers were supported by the losses taken by farmers which kept the prices of food low, and inserted an editorial by the National Grange urging more awareness of the bargain consumers have in food and clothing, two items in which prices have not increased but remained steady. pp. 1782-3
5. RESEARCH. Sen. Humphrey inserted an editorial, "Let's Not Skimp on Production Research." p. 1783
6. ELECTRIFICATION. Sen. Carroll stated that recent administration decisions on REA interest rates and budget were hostile to the REA program, and inserted a resolution from the San Luis Valley, Colo., Rural Electric Cooperative offering increases in the interest rate on loans. pp. 1790-1
7. ECONOMIC SITUATION. Several senators discussed the economic situation and the President's proposed program to improve it. pp. 1768-9, 1773-4, 1780-2, 1785-90, 1791-2.
8. REGULATORY AGENCIES; PERSONNEL ALLOWANCES. Sens. Morse, Humphrey, Carroll, Chavez, and Morton discussed the need to study the operation of Federal regulatory agencies, and Sens. Morse, Chavez, and Morton agreed that there should be a complete review of representation, expense, and per diem allowances to determine their sufficiency. pp. 1746, 1784, 1792-7
9. ORGANIZATION. Sen. Humphrey discussed the Government Operations Committee report, "Action by the Congress and the Executive Branch of the Government on the Second Hoover Commission Reports, 1953-57" (S. Rept. 1289), and concluded that although 53% of the 519 recommendations have been implemented,

Our militia tradition predates the republican democracy it made possible. Our citizen soldiers stood at Bunker Hill before there was an American Army; our Dandy Fifth Regiment routed the tyrant at Cowpens before there was a United States.

The 175th Infantry, once the Dandy Fifth and now part of our 29th Division, has fought with glory and distinction in every war our Nation has waged.

Our 115th Infantry Regiment—in fact, all of our Maryland units, which I mention specifically because I am so well acquainted with them—are responsible for some of the most inspiring chapters of our Nation's history—chapters written in sweat and blood.

Similar contributions have been made by the guard units of other States, too, of course, and the annals of heroism are filled with their proud achievements.

From generation to generation, our militia has handed down the great traditions of a people willing to face any sacrifice to keep our Nation free—free not only from an alien foe, but free also from internal disorder or dictatorship.

Currently, of course, we fear no possibility of a dictator. There are no Hitlers or Perons rising at this time who might convert our Pentagon into a citadel of oppression.

But when we look to certain other lands and see military rulers corrupting governments fashioned in our image, when we see the wretched plight of whole peoples ruled by bayonet in alleged democracies, then we must all realize that but for certain safeguards, it could happen here.

That is not a new thought. Those wise and able men who established our Government feared the military tyrant. And they charged us—the members of the Congress—to see that no man on horseback ever subjugates our free land.

Mr. President, I cite only as a reminder article 15, section 8, of our sacred Constitution. Here our forebears charged the Congress specifically with the duty "to provide for calling forth the militia." And in article 16, the duty is imposed on us "to provide for organizing, arming and disciplining the militia."

I fail, Mr. President, to see how we can relegate these solemn duties to the Pentagon.

It has always been a matter of wondrous amazement to me to watch history unfold and realize how our founding fathers foresaw and provided safeguards for almost every emergency our Nation has faced in almost 200 years.

In this matter, too, they showed the same rare wisdom. They considered the militia on such importance to a free people they took even further steps to keep our citizens armed.

Mr. President, I now quote from article 11 of history's most magnificent afterthought—our hallowed Bill of Rights. It says:

A well regulated militia being necessary to the security of a free state, the right of a people to keep and bear arms shall not be infringed.

Those are not my words, Mr. President, I wish they were. They were the

words of our forebears, protecting us from shortsighted expediences.

They considered this provision so vital, so inherent to our liberty, that they told why they did it—to defend the security of a free state. It is the only measure in the entire Constitution, Mr. President, which bears an explanation of why it is there.

So I take the flood, today, to remind the Congress, and the Pentagon, that our Constitution says the right of the people to bear arms shall not be infringed.

It shall not be infringed by manpower cuts that reduce it to an impotent corporal's guard.

Nor shall it be infringed by appropriation cuts that reduce the proportions of our Minutemen too far below those of our professional soldiery.

Mr. President, I remind the Congress that with a "well regulated militia being necessary to the security of a free state," we must justify the trust reposed in us by the Founders and see that is just that—well regulated—with enough officers and men and material to insure that security.

To do otherwise is to betray our free heritage—to pave the way for a future and more successful Aaron Burr.

I am sure you will recall, Mr. President, that our initial military draft of 1941 fed most of its manpower levies directly into our mobilized guard units. The Regular Army was not prepared to handle them any other way.

True, the guard was undertrained, undermanned, understaffed. But the guard—along with the Army—was our salvation.

As a peaceful nation without aims of conquest, this Nation has until our current crisis always depended on a small standing army, backed up by its militia.

Mr. President, I close with a thought from the Baltimore Sun on this grave situation. In an editorial which deplores, as many of us do, this hamstringing of our citizen soldiers, the Sun remarks:

It is questionable whether, in a country where many men try to get out of military duty, those who want to serve should be discouraged or denied this opportunity.

I am sure the American answer is "No."

WITHDRAWALS OF LANDS FOR CERTAIN PURPOSES — CONFERENCE REPORT

Mr. BIBLE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5538) to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. MORTON in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5538) to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

At page 2, strike out all after line 19 down to and including line 4 on page 3, and insert the following:

"(4) nothing in sections 1, 2, or 3 of this act shall be deemed to be applicable either to those reservations or withdrawals which expired due to the ending of the unlimited national emergency of May 27, 1941, and which subsequent to such expiration have been and are now used by the military departments with the concurrence of the Department of the Interior, or to the withdrawal of public domain lands of the Marine Corps Training Center, Twentynine Palms, California, and the naval gunnery ranges in the State of Nevada designated as Basic Black Rock and Basic Sahwawe Mountain."

CLINTON P. ANDERSON,
ALAN BIBLE,
FRANK CHURCH,
GEORGE W. MALONE,
GORDON ALLOTT,

Managers on the Part of the Senate.

CLAIR ENGLE,
WAYNE N. ASPINALL,
WALTER S. BARING,
JOHN P. SAYLOR,
WILLIAM A. DAWSON,

Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the report was considered and agreed to.

ACCELERATION OF THE HIGHWAY PROGRAM

Mr. GORE. Mr. President, in 1956, the Congress enacted a far-reaching highway-construction program. Of particular significance in the act of 1956 was the specific recognition of the importance of, and Federal responsibility for, the early completion of a national system of interstate and defense highways. The Act of 1956 contained this specific declaration:

It is hereby declared to be essential to the national interest to provide for the early completion of the "National System of Interstate Highways," as authorized and designated in accordance with section 7 of the Federal-Aid Highway Act of 1944 (58 Stat. 838). It is the intent of the Congress that the Interstate System be completed as nearly as practicable over a 13-year period and that the entire System in all the States be brought to simultaneous completion.

Under this act, the Federal Government undertook to pay 90 percent of the cost of this segment of our highway system. The act contained authorizations for Federal expenditures for the years 1957 through 1969, inclusive, totaling \$25 billion. This amount, added to contributions to be made by the States,

was estimated to be sufficient to provide for completing the then designated Interstate Highway System within the 13-year period, with construction standards adequate to accommodate types and volumes of traffic forecast for the year 1975.

In making authorizations for a 13-year period, the Congress departed from its prior practice of authorizing highway expenditures for only two years at a time. This action was taken in order to assure the States of the Federal Government's determination to provide adequate funds to complete the system within a definite period of time. This multiple-year authorization also provided needed assurance to the construction equipment, cement, asphalt and aggregate industries, highway contractors, and others associated with highway building, so that they might safely make their plans and might program their activities in such ways as to permit timely completion of this gigantic construction program. It provided assurance, too, to the 48 States.

Under the act of 1956, funds authorized for the fiscal years 1957, 1958, and 1959, totaling \$4,875,000,000, as the Federal contribution for the Interstate System for those years, have been apportioned to the States, and are available for obligation by the States, for engineering, the purchase of rights-of-way, and the award of construction contracts. The several States are now proceeding with their plans involving the expenditure of these sums.

Quite frankly, the progress made in getting actual construction under way is not as rapid as I should like to see it. We must recognize that the problems involved in reaching the construction stage are formidable. Though somewhat tardy, several States are only now in a position to proceed with the actual award of construction contracts involving substantial sums of money.

I call to the attention of the Senate that this very necessary program, now in its early stages, stands in danger. Unless appropriate action is taken by the administration and the Congress, the program will have to be so curtailed as to make it impossible to meet the objectives set forth in the act and to make meaningless the declaration of policy which I have quoted.

If the rate of actual apportionment, as now estimated and recommended by the administration's budget, remains unchanged, construction of the 41,000-mile Interstate System will be stretched out to approximately 24 years.

New estimates submitted by the Secretary of Commerce indicate that the cost of the originally designated 40,000-mile Interstate System will be \$37.5 billion, an increase of about 37 percent, or \$10 billion, over the estimates submitted in 1955. Assuming that the most recent estimates submitted by the Secretary of Commerce are accurate, unless positive action is taken, actual construction of the highway system which the Congress declared should be built by 1969, will not be finished until 1980, or later. In such event, this grand system of highways will be obsolete even before it is finished.

The President of the United States, in his message to Congress on February 2, 1955, proposed that the Interstate System be built in 10 years, at an estimated average annual outlay of Federal funds in the amount of \$2.5 billion. Specifically, the recommended construction schedule accompanying the President's message provided for the expenditure of \$2.9 billion in the fiscal year 1960. This compares with \$1.6 billion available for obligation under present recommendations.

In his message of 1955, the President pointed out that while 1 in every 7 Americans makes his livelihood and support for his family out of our highway system, the existing network is, in large part, inadequate for the Nation's growing needs.

The economic benefits flowing from an adequate highway network are in themselves ample justification for maintaining the construction schedules set forth in the Highway Act. The need for doing so is even more urgent in view of the current state of our economy. The Labor Department announced this week that in January, 4.5 million persons were actively seeking jobs which were not available. This represented an increase of more than 1 million over the unemployment figure for December, and is 41 percent larger than the figure for January of last year. Everyone predicts that unemployment will be even higher this month.

Some segments of our economy, notably the farmers, have been in a depressed state for several years. Until comparatively recently, other segments of the economy have experienced reasonable levels of activity which, from the standpoint of overall statistics, have tended to obscure the soft spots. One of the more serious aspects of the current recession, however, is that most major segments of the economy are on the downturn simultaneously. Plant expansion has been sharply curtailed; business inventories are being reduced; consumer purchasing shows increased signs of weakness; the home-building industry still suffers from nonavailability of mortgage funds; and the farm economy shows no signs whatsoever of improvement.

I should like to make it clear that I do not consider that we are in a depression, although I admit it might be hard to convince the 4½ million unemployed and other millions who are only partially employed that such is not the case. It is my view that governmental action is necessary to avoid a much more serious situation than that we now face.

It is encouraging that President Eisenhower has recognized the Nation's present economic plight. That is a prerequisite to adequate action. The President did not propose adequate action, however.

One of the most effective means of stimulating our economy is by accelerating a sound public-works program. There is no better place to start than with the highway program. As a result of the policy declarations in the 1956 act, the highway-construction industry is prepared for a construction program

at a higher level than that now in effect. Preliminary planning has been accomplished, and detailed planning for additional projects could be completed in a very short time if availability of funds is assured. The administrative machinery for the program is already in existence and is functioning.

Section 209 of the act contains a policy declaration that it is the intent of the Congress that if total receipts in the Highway Trust Fund are insufficient to meet necessary expenditures, the Congress shall enact such legislation as may be necessary. It is obvious that the time for such action has now arrived. We simply cannot permit the program for construction of an interstate system of highways to be slowed down and stretched out, as it inevitably will be unless action is taken.

Thus far, the only administration proposal affecting the highway trust fund is a recommendation that approximately \$68 million be diverted annually from the fund and be used for purposes other than those of the Federal-aid highway program. I vigorously oppose these proposals to raid the fund. It is abundantly clear that, instead of talking about diverting funds now earmarked for the highway program, we must take necessary action to increase available funds. As a very minimum, we must take action to place in the highway trust fund sufficient funds to permit the apportionment of the full amounts authorized for the interstate system.

Our highway program is aptly described as one for which the users of the highways pay. I have always had serious reservations about earmarking funds in the General Treasury. Such action generally tends toward inflexibility in Government fiscal operations.

Furthermore, it is obvious that good highways benefit everyone, not just those who travel on them. Every business activity in an area served by a new highway benefits from it. I have no hesitation whatsoever in recommending that general revenues be appropriated to the trust fund as required. However that may be, if the Congress decides that only highway-user taxes should be spent for highway construction, I believe the receipts from such taxes will be fully adequate to meet the needs.

In its report on the highway bill in 1956, the Senate Finance Committee estimated that the receipts from the highway-user taxes which, in the aggregate, through 1972 would total \$55,460,000,000. In setting up the highway trust fund, however, not all of these taxes were appropriated to the fund. Only the highway-user taxes which, in the aggregate, were estimated to yield about \$38 billion during this period were earmarked for the fund. If the remainder of these excise taxes paid by highway users were likewise earmarked for the trust fund, the receipts would be adequate to permit apportionment of the full amounts authorized in the act and, in addition, would be sufficient to permit increasing those authorizations sufficiently to enable them to take care of the increased cost of the interstate system, as well as the needed increases in authorizations

1. The first part of the paper is devoted to a general discussion of the problem of the existence of solutions of the system of equations (1) and (2) under the conditions (3) and (4). It is shown that the existence of solutions is guaranteed if the functions $f_i(x)$ and $g_j(y)$ satisfy certain conditions.

2. In the second part of the paper, the existence of solutions is proved for the case when the functions $f_i(x)$ and $g_j(y)$ are continuous and satisfy the conditions (3) and (4). It is shown that the solutions of the system of equations (1) and (2) are unique.

3. In the third part of the paper, the existence of solutions is proved for the case when the functions $f_i(x)$ and $g_j(y)$ are discontinuous. It is shown that the solutions of the system of equations (1) and (2) are unique.

4. In the fourth part of the paper, the existence of solutions is proved for the case when the functions $f_i(x)$ and $g_j(y)$ are discontinuous and satisfy the conditions (3) and (4). It is shown that the solutions of the system of equations (1) and (2) are unique.

5. In the fifth part of the paper, the existence of solutions is proved for the case when the functions $f_i(x)$ and $g_j(y)$ are discontinuous and satisfy the conditions (3) and (4). It is shown that the solutions of the system of equations (1) and (2) are unique.

6. In the sixth part of the paper, the existence of solutions is proved for the case when the functions $f_i(x)$ and $g_j(y)$ are discontinuous and satisfy the conditions (3) and (4). It is shown that the solutions of the system of equations (1) and (2) are unique.

7. In the seventh part of the paper, the existence of solutions is proved for the case when the functions $f_i(x)$ and $g_j(y)$ are discontinuous and satisfy the conditions (3) and (4). It is shown that the solutions of the system of equations (1) and (2) are unique.

8. In the eighth part of the paper, the existence of solutions is proved for the case when the functions $f_i(x)$ and $g_j(y)$ are discontinuous and satisfy the conditions (3) and (4). It is shown that the solutions of the system of equations (1) and (2) are unique.

9. In the ninth part of the paper, the existence of solutions is proved for the case when the functions $f_i(x)$ and $g_j(y)$ are discontinuous and satisfy the conditions (3) and (4). It is shown that the solutions of the system of equations (1) and (2) are unique.

10. In the tenth part of the paper, the existence of solutions is proved for the case when the functions $f_i(x)$ and $g_j(y)$ are discontinuous and satisfy the conditions (3) and (4). It is shown that the solutions of the system of equations (1) and (2) are unique.

11. In the eleventh part of the paper, the existence of solutions is proved for the case when the functions $f_i(x)$ and $g_j(y)$ are discontinuous and satisfy the conditions (3) and (4). It is shown that the solutions of the system of equations (1) and (2) are unique.

18. PUBLIC LANDS. Received the conference report on H. R. 5538, to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands for military purposes shall not become effective until approved by act of Congress (H. Rept. 1347). pp. 1963-64
19. WATERSHEDS. Passed with amendment H. R. 5497, to authorize Federal assistance for certain fish and wildlife development projects under the Watershed Protection and Flood Prevention Act. Agreed to a committee amendment providing that the Secretary of Agriculture shall not furnish or agree to furnish financial assistance to local organizations for the institution of works of improvement for recreational and fish and wildlife development under the act prior to July 1, 1958. p. 1943
20. FISHERIES; RICE. At the request of Rep. Pelly, passed over S. 1552, to authorize the Secretary of Interior to establish a program for carrying on certain research to develop methods for the commercial production of fish on flooded rice acreage in rotation with rice field crops. p. 1943
21. SMALL BUSINESS. Rep. Patman spoke in favor of legislation to provide capital banks for small business. pp. 1964-69
22. COMMITTEE ASSIGNMENTS. Rep. Reuss was appointed to the Joint Economic Committee. p. 1945
23. BUDGET. Rep. Gross inserted a Women's Patriotic Conference resolution on various matters, including an accrual expenditure budget, extension of the trade agreements act, etc. pp. 1969-72
24. FUTURE FARMERS. Rep. Natcher paid tribute to the Future Farmers of America. p. 1975.
25. WATER UTILIZATION. Received two Colo. Legislature memorials urging the enactment of legislation to control the appropriation of water by the Federal Government. p. 1979
26. SOIL BANK. Received two S. C. Legislature memorials urging additional appropriations for acreage reserve agreements on cotton. p. 1979

HOUSE - February 18

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30. TOBACCO. The "Daily Digest" states that the Tobacco Subcommittee of the Agriculture Committee "met in executive session and adopted motion to recommend to the full committee that the present price support on tobacco at 90 percent of parity be retained." p. D113

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PROVIDING THAT WITHDRAWALS, RESERVATIONS, OR RESTRICTIONS OF MORE THAN 5,000 ACRES OF PUBLIC LANDS OF THE UNITED STATES FOR CERTAIN PURPOSES SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY ACT OF CONGRESS

FEBRUARY 17, 1958.—Ordered to be printed

Mr. ASPINALL, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H. R. 5538]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5538) to provide that withdrawals, reservations, or restrictions of more than five thousand acres of public lands of the United States for certain purposes shall not become effective until approved by Act of Congress, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

Page 2, strike out all after line 19, down to and including line 4 on page 3, and insert the following:

(4) nothing in sections 1, 2, or 3 of this Act shall be deemed to be applicable either to those reservations or withdrawals which expired due to the ending of the unlimited national emergency of May 27, 1941, and which subsequent to such expiration have been and are now used by the military departments with the concurrence of the Department of the Interior, or to the withdrawal of public domain lands of the Marine Corps Training Center, Twentynine Palms, California, and the naval gunnery ranges in the State of Nevada designated as Basic Black Rock and Basic Sahwave Mountain.

And the Senate agree to the same.

CLAIR ENGLE,
WAYNE N. ASPINALL,
WALTER S. BARING,
JOHN P. SAYLOR,
WILLIAM A. DAWSON,

Managers on the Part of the House.

CLINTON P. ANDERSON,
ALAN BIBLE,
FRANK CHURCH,
GEO. W. MALONE,
GORDON ALLOTT,

Managers on the Part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE

Managers on the part of the House at the conference on the disagreeing votes of the two Houses on amendments of the House to the bill (H. R. 5538) to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The amendment of the Senate as further amended by the committee of conference would exempt 19 specific areas from the requirement that the Congress approve land withdrawals in excess of 5,000 acres. Sixteen of these areas are listed on pages 23 and 24 of Senate Report No. 857, dated August 13, 1957, under the heading, "Lands Where Temporary Use Period Extended." Two of the specified areas, "naval gunnery ranges in the State of Nevada designated as Basic Black Rock and Basic Sahwave Mountain," are shown on chart 5, page 186, of the House committee hearings, Serial 29 (84th Cong.).

Until recently, the Navy had proposed large extensions to the Basic Sahwave Mountain and Basic Black Rock gunnery ranges. The Senate amendment would have exempted the "Sahwave Mountain" gunnery range, including proposed extensions, from review and approval by the Congress. In a letter to Representative Baring, dated January 31, 1958, the Department of Defense points out that with the anticipated transfer of the Vincent Air Force Base, and its associated range, at Yuma, Ariz., to the Navy, the—

use of the Basic Sahwave, Basic Black Rock, Chocolate Mountain, and Yuma ranges will satisfy the fleet air-to-air gunnery training needs on the west coast for the foreseeable future.

It is the understanding of the House managers that the Navy is no longer committed to seek extensions to the Sahwave Mountain and Black Rock gunnery ranges and that action has been initiated to delete such extensions from the Navy's land-withdrawal requests.

CLAIR ENGLE,
WAYNE N. ASPINALL,
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THE HISTORY OF THE
CITY OF BOSTON
FROM 1630 TO 1800
BY
JOHN H. COLEMAN
IN TWO VOLUMES
VOL. I
PUBLISHED BY
J. B. LEECH, 10 NASSAU ST. N.Y.
1889

Eligibility: Section 2001.
 Mustering-out payments, a limitation: Section 2001 (b).
 Payments, administration of: Section 2001.
 Prior law valid: Section 2001 (e).
 Public Health Service, officers, certain, exempted: Section 2001 (f).
 Review, subject to: Section 2001 (c).
 Secretary of Labor: Section 2001 (a).
 Terms of: Section 2001 (d).
 Unemployment compensation law, State, conformation thereto: Section 2001 (c).
 Veterans' Readjustment Assistance Act of 1952: Section 2001 (e).
 Agreements, State, none:
 Administration, payments: Section 2002.
 Claim, disallowed:
 Hearings, Secretary of Labor: Section 2002 (c).
 Review, judicial: Section 2002 (c).
 Eligibility: Section 2002 (c).
 Entitlement, State law: Section 2002 (a).
 Payments, administration of: Section 2002.
 Payments, direct: Section 2002 (a).
 Bond, officer or employee, agreement may require: Section 2003 (e).
 Certification of payments, Secretary of Labor to Secretary of Treasury: Section 2003 (c).
 Certifying officers, nonliability of: Section 2003 (f).
 Definitions:
 "Korean Conflict Veterans": Section 2007 (a).
 State: Section 2007 (c).
 Unemployment compensation: Section 2007 (b).
 Delineating dates: Section 2009.
 Disbursing officers:
 Bonded: Section 2003 (e).
 Nonliability of: Section 2003 (g).
 Duplicate benefits, prohibited: Section 2008 (a).
 Election of benefits: Section 2008 (b), (c).
 "Korean conflict veteran," definition of: Section 2007 (a).
 Liability to repay, false evidence: Section 2005 (b).
 Payments to States:
 Manner, procedure: Section 2003 (b).
 Reimbursement by United States: Section 2003 (a).
 Secretary of Treasury, made by: Section 2003 (c).
 Money, unused to Treasury: Section 2003 (d).
 Money, use as intended: Section 2003 (d).
 Social Security Act, under: Section 2003 (h).
 Penalties:
 Evidence, false: Section 2005 (a).
 Liability, for repayment of: Section 2005 (b).
 Puerto Rico, resident of:
 Claims disallowed, hearings and review: Section 2002 (c).
 Entitlement, District of Columbia law: Section 2002 (b).
 Rates: Section 2001 (b).
 Regulations: Secretary of Labor: Section 2006.
 Reports, State agencies: Section 2004 (b).
 Secretary of Labor:
 Agreements, State: Section 2001 (a).
 Regulations: Section 2006.
 Social Security Act, payment to States, under: Section 2003 (h).
 State agencies:
 Information re military service: Section 2004 (a).
 Reports by: Section 2004 (b).
 State, definition of: Section 2007 (c).
 Terminations, dates: Section 2009.
 Unemployment compensation, definition of: Section 2007 (b).
 Virgin Islands, resident of:
 Claim disallowed, hearings and review: Section 2002 (c).

Entitlement, District of Columbia law: Section 2002 (b).
 United Spanish War Veterans, representatives of: Section 3402.
 United States Government Life Insurance (See Insurance).
 Venereal disease: Section 105 (a).
 Veteran, definition of: Sections 101 (2), 301 (1), 401 (2), 1801 (a) (2), 2015.
 Veteran of any war, definition: Sections 101 (12), 601 (2).
 Veterans' Administration:
 Employees (see Employees, VA).
 Facilities, definition: Sections 601 (4), 5001 (f), 5209.
 Independent agency: Section 201.
 Offices: Section 230.
 Seal: Sections 202, 3312.
 Space, office facilities, furnished organizations: Section 3402 (a) (2).
 Veterans' Canteen Service. (See Canteen Service, Veterans').
 Veterans' employment representative: Section 2011.
 Veterans of Foreign Wars, representatives of: Section 3402.
 Vicious habits: Section 521 (a).
 Virgin Islands, unemployment compensation: Section 2002 (b).
 Visual exhibits: Section 233 (4).
 Vocational rehabilitation:
 Absence, leaves of: Section 1505.
 Administrator:
 Contract, training facilities: Section 1503 (4).
 Employees:
 Detail: Section 1511.
 Instruct: Section 1511.
 Employment of consultants and additional personnel: Section 1503.
 Leaves of absence, veterans pursuing courses: Section 1505.
 Regulate, conduct and cooperation of veterans: Section 1508.
 Training, suitable, prescribe and provide: Sections 1502, 1503.
 Utilize other Government agencies: Section 1503.
 Advances to veteran: Section 1507.
 Advisory Committee: Section 1662.
 Benefits, prior benefits not chargeable: Section 1502 (d).
 Books: Section 1509.
 Citizens of United States service in Allied forces: Section 109 (b).
 Definitions:
 Vocational rehabilitation: Section 1501 (2).
 World War II: Section 1501 (1).
 Eligibility:
 Korean conflict: Section 1502.
 World War II: Section 1502.
 Employers, reports required of: Section 1504 (d).
 Entitlement: Section 1502.
 Equipment: Section 1509.
 Forfeiture: Section 1508.
 Fund, revolving: Section 1507.
 Hospitalization, trainees: Section 1506.
 Hospitalized, pending discharge: Section 1510.
 Injury during training: Section 351.
 Leave of absence: Section 1505.
 Loans to veterans: Section 1507.
 Medical care, trainees: Section 1506.
 Noncitizen residence requirements: Section 1502 (c) (3).
 On-job training:
 Reduction of allowances authorized: Section 1504 (d).
 Reports required of employer: 1504 (d).
 Penalties: Section 1508.
 Prosthesis, trainees: Section 1506.
 Protected cases: Section 5514.
 Purpose of: Section 1501 (2).
 Regulations, administrator: Sections 1505, 1508.
 Revolving fund: Section 1507:

Studies, investigations, and reports: Section 217.
 Subsistence allowance: Section 1504.
 Supplies: Section 1509.
 Suspension: Section 1508.
 Time limitations:
 Claim based on training injuries: Section 351.
 Korean conflict service: Section 1502 (c) (2).
 World War II service: Section 1502 (c) (1).
 Travel expenses: Section 111.
 Waiver:
 Conflict of interest, employees: Sections 1664 (d), 1764 (b).
 Overpayments: Sections 412 (f), 3102 (a).
 War periods:
 Indian wars: Sections 501 (1), 601 (3).
 Korean conflict: Section 101 (9).
 Prior to April 21, 1898: Section 343.
 Spanish-American: Section 101 (6).
 World War I: Sections 101 (7), 301 (2) (A), 501 (2).
 World War II: Sections 101 (8), 301 (2) (B), 1901 (b).
 Wartime, compensation rates: Sections 314, 322.
 Wheelchairs: Section 612 (d).
 Widow:
 Compensation eligibility: Sections 101 (3), 103, 302, 321, 341.
 Definition: Sections 101 (3), 404, 701 (2).
 Dependency and indemnity compensation, eligibility: Sections 404, 410, 416.
 Loans eligibility: Section 1801 (a) (2).
 Marriage:
 Date: Sections 101 (3), 103 (b), 302, 404, 532 (d), 534 (c), 536 (c), 541 (b), 543 (b).
 Legal impediment, without knowledge: Section 103 (a).
 Same veteran, more than once: Section 103 (b).
 Validity, proof of: Section 103 (c).
 Pension:
 Eligibility: Sections 101 (3), 103, 531, 532, 534, 536, 541, 543.
 Income limitation: Sections 503, 545.
 Remarriage as bar: Section 101 (3).
 Widower: Definition: Section 701 (2).
 Witnesses:
 Attendance, compelling: Sections 784 (c), 3311.
 Disobedience to subpoena: Section 3313.
 Fees and mileage paid: Section 3311.
 Production of evidence required: Section 3311.
 Subpoena: Sections 784 (c), (f); 3311.
 Willful misconduct: Sections 105, 310, 331, 521 (a).
 Women's Army Auxiliary Corps: Section 106.
 World War Adjusted Compensation Act, protected cases: Section 5514.
 World War I, period of: Sections 101 (7), 301 (2) (A), 501 (2).
 World War II, period of: Sections 101 (8), 301 (2) (B), 1501 (1), 1801 (a) (1), 1901 (b).
 Yaws: Section 301.
 Yellow fever: Section 301.

(Mr. TEAGUE of Texas asked and was given permission to revise and extend his own remarks.)

DEFERRING EFFECTIVE DATE OF CERTAIN RESTRICTIONS ON PUBLIC LANDS OF THE UNITED STATES

Mr. ASPINALL submitted the following conference report and statement on the bill (H. R. 5538) to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the United States for certain pur-

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CAPITAL BANKS FOR SMALL BUSINESS

The SPEAKER. Under the previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, I introduced the bill H. R. 10345, providing for capital banks for small business.

The proposal is to set up a bank in each Federal Reserve district patterned after the Federal land banks. Loans would be made in a similar way to applicants needing consideration for loans.

THE SMALL-BUSINESS BANKS TO BE PRIVATELY OWNED

The plan contemplates that eventually the banks will be owned by the borrowers just like the Federal land banks are now owned by the borrowers. It is proposed that the capital for small-business banks be obtained by taking \$10 million from each of the 12 Federal Reserve banks as the initial capital. That is the same way capital was supplied for the Federal Deposit Insurance Corporation. At that time Congress took one-half of the surplus funds of the 12 Federal Reserve banks to start off the FDIC. The FDIC in 1947 paid that money back to the Treasury, where it belonged, although it was borrowed from the surplus funds of the Federal Reserve banks. It is really public money and it was the right thing to do to pay it back to the Treasury, which was done.

This proposal contemplates a similar situation, taking the money from the Federal Reserve banks for the capital, and when it is paid back it is to be paid back into the Treasury.

THE FEDERAL RESERVE BANKS DO NOT WANT TO HELP SMALL BUSINESS

First I want to bring to your attention the fact that Federal Reserve banks since 1934 have had money at their disposal to make long-term loans, at least much larger than can be made now by a bank, and risk loans or venture capital to small-business concerns. But the Federal Reserve banks have not looked with favor upon that power; they considered it to be in competition with private commercial banks, and they have not done much about it; they have not tried to make the loans.

Now in a proposal that is before the Committee on Banking and Currency it is proposed that the \$27.5 million that is in these banks, that is available to make small business loans be returned

to the Treasury and not to require the Federal reserve banks to make these loans in the future. That being true we should have some place for the small business people to go to get small business loans.

I invite your attention to the fact that the Cravens Committee that assisted in the preparation of S. 1451, known as the Financial Restitution Act of 1957, recommended the repeal of section 13 (b) of the Federal Reserve Act. I read their recommendation:

This recommendation is to repeal section 13 (b) of the Federal Reserve Act on the ground that it has been little used and that the Federal Reserve banks should not compete with commercial banks in the lending field. Therefore the recommendation is approved.

The Senate committee in its report on the bill S. 1451 recommended that section 13 (b) permitting the granting of these loans to small business be repealed by omitting it from the statute. In this connection I quote the following paragraph from page 35 of their report:

There are also omitted, and consequently repealed, provisions contained in title 12, United States Code, section 352a, which were first enacted in 1934, authorizing the Federal Reserve banks to make working capital loans and commitments to established industrial or commercial businesses. This authority has been utilized very little in recent years and, in any event, appears to be inconsistent with central banking functions. Repeal of these provisions, as indicated in section 805 (b) of the present legislation, will result in the payment by the Federal reserve banks to the Treasury of amounts totaling approximately \$27.5 million, heretofore paid to the reserve banks by the Treasury pursuant to these provisions.

The bill S 1451 when it reached the House was referred to the Committee on Banking and Currency, and the staff of the Committee on Banking and Currency in writing up the summary of amendments referred to the fact that the repeal of this section 13 (b) was asked for:

REPEAL OF BUSINESS LOAN AUTHORITY

Section 13 (p. 83) omits the existing authority for Federal Reserve banks to make working capital loans and commitments to established industrial or commercial businesses.

THE TREASURY DEPARTMENT OPPOSES HELP TO SMALL BUSINESS FROM THE FEDERAL RESERVE

During June 1957 representatives of the Treasury appeared before the Committee on Banking and Currency of the United States Senate and testified that the law providing for the Federal Reserve to help small business should be repealed.

The Secretary of the Treasury, Hon. George M. Humphrey, presented a letter addressed to the President of the Senate in which he recommended that the idle funds now held by the 12 Federal Reserve banks for this purpose be returned to the Treasury, subject to future availability.

This letter is as follows:

THE SECRETARY OF THE TREASURY,
Washington, January 8, 1957.

THE PRESIDENT OF THE SENATE.

SIR: There is submitted herewith a draft of a proposed bill, to authorize repayment to the Treasury of amounts paid to Federal Reserve banks for making industrial loans.

Feb. 18, 1958

18. PUBLIC LANDS. Received the conference report on H. R. 5538, to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands for military purposes shall not become effective until approved by act of Congress (H. Rept. 1347). pp. 1963-64
19. WATERSHEDS. Passed with amendment H. R. 5497, to authorize Federal assistance for certain fish and wildlife development projects under the Watershed Protection and Flood Prevention Act. Agreed to a committee amendment providing that the Secretary of Agriculture shall not furnish or agree to furnish financial assistance to local organizations for the institution of works of improvement for recreational and fish and wildlife development under the act prior to July 1, 1958. p. 1943
20. FISHERIES; RICE. At the request of Rep. Pelly, passed over S. 1552, to authorize the Secretary of Interior to establish a program for carrying on certain research to develop methods for the commercial production of fish on flooded rice acreage in rotation with rice field crops. p. 1943
21. SMALL BUSINESS. Rep. Patman spoke in favor of legislation to provide capital banks for small business. pp. 1964-69
22. COMMITTEE ASSIGNMENTS. Rep. Reuss was appointed to the Joint Economic Committee. p. 1945
23. BUDGET. Rep. Gross inserted a Women's Patriotic Conference resolution on various matters, including an accrual expenditure budget, extension of the trade agreements act, etc. pp. 1969-72
24. FUTURE FARMERS. Rep. Natcher paid tribute to the Future Farmers of America. p. 1975.
25. WATER UTILIZATION. Received two Colo. Legislature memorials urging the enactment of legislation to control the appropriation of water by the Federal Government. p. 1979
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Congressional Record

PROCEEDINGS AND DEBATES OF THE 85th CONGRESS, SECOND SESSION

Vol. 104

WASHINGTON, TUESDAY, FEBRUARY 18, 1958

No. 24

Senate

The Senate was not in session today. Its next meeting will be held on Wednesday, February 19, 1958, at 12 o'clock meridian.

House of Representatives

TUESDAY, FEBRUARY 18, 1958

The House met at 12 o'clock noon.

Rev. Ted Richardson, pastor of the First Methodist Church, Harlingen, Tex., offered the following prayer:

Our Heavenly Father, whose name is above every name, bless us today as we endeavor to do Thy will. Give us spiritual insight equal to the challenge of our material discoveries. Make us aware of our need for Thee and our need for each other, the servant and the served. Save us from folly and deepen our sense of responsibility for each other. Raise up within our midst leaders equal to the times so that the kingdoms of this world may more nearly resemble the kingdom of our God. Through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following date the President approved and signed bills of the House of the following titles:

On February 15, 1958:

H. R. 3770. An act to rename the Strawn Dam and Reservoir project in the State of Kansas as the John Redmond Dam and Reservoir;

H. R. 6078. An act to provide for the erection of suitable markers at Fort Myer, Va., to commemorate the first flight of an airplane on an Army installation, and for other purposes; and

H. R. 6660. An act to provide that the lock and dam referred to as the Tuscaloosa lock and dam on the Black Warrior River, Ala., shall hereafter be known and designated as the William Bacon Oliver lock and dam.

A SHIFT IN LATIN AMERICAN POLICY

(Mr. PORTER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PORTER. Mr. Speaker, many of us have deplored the administration's courtship of Latin American dictators. The other day I received a letter from the State Department in answer to a letter I wrote to the President recommending that he publicly commend the new Venezuelan Government for its moves toward democracy and freedom.

The texts of those letters are included in today's Appendix of the RECORD.

No one, except those who are in control, favors a police state. No one advocates intervention by force by the United States in any country. But we can say clearly and officially that we strongly prefer democracy and freedom to dictatorships.

It is most encouraging to discover at long last that the administration is willing to reflect the deepest beliefs of our citizens and make a public statement in favor of nations who choose democracy and freedom over dictatorships.

PERMISSION TO SIT DURING SESSION OF THE HOUSE

Mr. KILDAY. Mr. Speaker, I ask unanimous consent that Subcommittee No. 2 of the Committee on Armed Services may sit during general debate in the House this week.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FELICITATIONS TO DR. BRASKAMP

The SPEAKER. The Chair recognizes the gentleman from Arkansas for 1 minute for a special purpose.

Mr. TRIMBLE. Mr. Speaker, I think I am giving away no secrets when I say that today is the birthday of our beloved Chaplain, Dr. Braskamp, who has done so much and is doing so much for us.

I know I speak the sentiments of every Member of this House as I wish for him a very, very happy birthday and that all his years will be happy ones.

MARGIE C. STEWART

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

In compliance with the request contained in the resolution of the House of Representatives (the Senate concurring therein), I return herewith H. R. 8038, an act for the relief of Margie C. Stewart.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, February 18, 1958.

WITHDRAWALS, RESERVATIONS, OR RESTRICTIONS OF MORE THAN 5,000 ACRES OF PUBLIC LANDS

Mr. ENGLE. Mr. Speaker, I call up the conference report on the bill (H. R. 5538) to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by act of Congress and for other purposes, and ask unanimous consent that the state-

ment of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of February 17, 1958.)

The SPEAKER. The question is on the conference report.

The conference report was agreed to, and a motion to reconsider was laid on the table.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first bill on the Private Calendar.

WOLFGANG JOCHIM HERMAN SCHMIEDCHEN

The Clerk called the first bill, S. 1414, for the relief of Wolfgang Jochim Herman Schmiedchen.

Mr. HYDE. Mr. Speaker, I ask unanimous consent that the bill (S. 1414) be recommitted to the Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ACME BAG & BURLAP CO. ET AL.

The Clerk called the bill (S. 1805) for the relief of persons and firms for the direct expenses incurred by them for fumigation of premises in the control and eradication of the khapra beetle.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture is authorized and directed to pay, out of the unobligated balance of funds appropriated for the fiscal year 1956 in the Department of Agriculture and Farm Credit Appropriation Act, 1956 (Public Law 40), under the appropriation "Salaries and expenses, Agricultural Research Service, plant and animal disease and pest control," the following persons or firms in the amounts set out after their names to reimburse said persons or firms the direct expenses incurred during fiscal years 1955 and 1956 for fumigation of premises under the quarantine and supervision of the Agricultural Research Service and appropriate State agencies for the eradication of the khapra beetle and thereby provide equitable treatment to said persons or firms who were required to bear these costs prior to the policy established through the enactment of the Second Supplemental Appropriation Act, 1956 (Public Law 533):

Acme Bag & Burlap Co., and Delinting and Seed Treating Co., Phoenix, Ariz., \$1,200; Advance Seed & Grain Co., Phoenix, Ariz., \$9,445.88; Arizona Flour Mills Co., Casa Grande, Ariz., \$7,548; Arizona Flour Mills Co., Glendale, Ariz., \$3,092.20; Arizona Flour Mills Co., Phoenix, Ariz., \$12,645; Arizona Flour Mills Co., Tucson, Ariz., \$8,100; Arizona Grain & Storage Co., Chandler, Ariz., \$5,400; Boyd and Kuhn, Brawley, Calif., \$300; Browns Farm Store, Phoenix, Ariz., \$95; Buckeye Feed & Seed Co., Inc., Buckeye, Ariz., \$6,400; Capital Feed & Seed Co., Cool-

idge, Ariz., \$1,825; Capital Feed & Seed, Gilbert, Ariz., \$2,449.90; Capital Feed & Seed Co., Phoenix, Ariz., \$11,051; Casey Seed Co., Phoenix, Ariz., \$912; Neal Collins Farm, Yuma, Ariz., \$75.50; Curry County Grain & Elevator Co., Clovis, N. Mex., \$919.80; Desert Feed Store, Phoenix, Ariz., \$28.50; Edward Beals Feed Lot, San Luis, Ariz., \$54; Farm Equipment & Supply Co., Parker, Ariz., \$647.26; Farmers Cooperative Marketing Association, Roll, Ariz., \$1,175; Farmers Marketing Corp., Yuma, Ariz., \$1,210; Farmers Marketing Corporation Mill, Yuma, Ariz., \$5,675.40; Feeder's Supply Co., Mesa, Ariz., \$225; H. P. Fites Ranch, Yuma, Ariz., \$116; Henry Frauenfelder Farm, Somerton, Ariz., \$147.14;

Grubbs Hatchery, Yuma, Ariz., \$143.47; Hafley's Market Warehouse, Kingman, Ariz., \$50.23; Hayden Flour Mills, Tempe, Ariz., \$11,100; A. W. Johnson, Yuma, Ariz., \$209.42; C. A. Johnson Farm, Somerton, Ariz., \$112.50; Dave Johnson Farm, Somerton, Ariz., \$152; Frank Kornegay Farm, Yuma, Ariz., \$231; Henry Leivas Farm, Parker, Ariz., \$245.50; R. W. Livingston Farm, Yuma, Ariz., \$73.14; Long's Dairy, Buckeye, Ariz., \$280; Arthur McCoy Ranch, Yuma, Ariz., \$50; Pearl McCreary Ranch, Gilbert, Ariz., \$64.43; R. H. McElhaney Ranch, Wellton, Ariz., \$953; Northrup-King Co., Phoenix, Ariz., \$2,731.50; Northrup-King Seed Co., Yuma, Ariz., \$60; Pablo Artiz Farm, Yuma, Ariz., \$16; Phoenix Hay & Feed Co., Phoenix, Ariz., \$460; Pratt Feed & Supply Co., Phoenix, Ariz., \$675; Quick Seed & Feed Co., Phoenix, Ariz., \$1,829; R. F. Richter Feed Store, Parker, Ariz., \$131.51; Robert Seed Co., Texico, N. Mex., \$964.46; St. Anthony's Ranch, Mecca, Calif., \$200; Shank Bros. Imperial Co., Brawley, Calif., \$300; Slone Grain Co., Portales, N. Mex., \$891.10;

Arthur Jannusch, Phoenix, Ariz., \$72.60; Southwest Flour & Seed Co., Glendale, Ariz., \$13,632; Sterner Farm, Goodyear, Ariz., \$65.50; Strange's Market Warehouse, Ajo, Ariz., \$45.50; Jesse P. Stump Farm, Tolleson, Ariz., \$675; Hubert Thacker Farm, Yuma, Ariz., \$38.25; Valley Feed & Seed Co., Phoenix, Ariz., \$9,385.88; Western Grain Elevator Co., Mesa, Ariz., \$10,042; Whitman Seed Co., Yuma, Ariz., \$4,718.40; Worley Mills, Inc., Portales, N. Mex., \$1,664; and Yuma County Feed & Seed Co., Yuma, Ariz., \$154.16: *Provided*, That before payment is made these persons and firms shall submit certified vouchers in support of such claims for reimbursement of direct fumigation costs incurred by them.

SEC. 2. No part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the receipt of any sum in excess of said 10 percent shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

SEC. 3. No payment shall be made under this act to the Hayden Flour Mills or the Southwest Flour & Feed Co. unless each such corporation and any Member of Congress who holds stock in either of such corporations at the time such payment is made has made a written agreement with the Secretary of Agriculture that from any funds thereafter payable to any such Member of Congress as dividends (ordinary or liquidating) on such stock there will be repaid to the Secretary of the Treasury to be covered into miscellaneous receipts a sum which bears the same ratio to the aggregate payments made under this act to such corporations by the Secretary of Agriculture as the number of shares of stock so held by such Member of Congress at the time such payment is made bears to the total number of

shares of stock of the corporation outstanding at the time such payments is made.

Amend the title so as to read: "A bill for the relief of Acme Bag & Burlap Co. and others."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THOMAS CRUSE MINING & DEVELOPMENT CO.

The Clerk called the bill (S. 652) for the relief of the Thomas Cruse Mining & Development Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Thomas Cruse Mining & Development Co., of Helena, Mont., the sum of \$7,500. Payment of such sum shall be in full settlement of all claims of such company against the United States arising when, on October 8, 1942, its mining mill located near Marysville, Mont., and the machinery and equipment therein, were extensively damaged as a result of demolition operations carried on by personnel of the United States Army: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROMA H. SELLERS

The Clerk called the bill (S. 1714) for the relief of Roma H. Sellers.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Roma H. Sellers, of Preston, Miss., the sum of \$12,500. The payment of such sum shall be in full satisfaction of all her claims against the United States for compensation for permanent and personal injuries and pain and suffering sustained by her, and for reimbursement of hospital, medical, and other expenses incurred by her, as a result of the improper administering of an anesthetic in the course of an operation performed on her January 7, 1955, by United States Air Force doctors at the Nazareth Hospital, Mineral Wells, Tex.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Public Law 85-337
85th Congress, H. R. 5538
February 28, 1958

AN ACT

To provide that withdrawals, reservations, or restrictions of more than five thousand acres of public lands of the United States for certain purposes shall not become effective until approved by Act of Congress, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, except in time of war or national emergency hereafter declared by the President or the Congress, on and after the date of enactment of this Act the provisions hereof shall apply to the withdrawal and reservation for, restriction of, and utilization by, the Department of Defense for defense purposes of the public lands of the United States, including public lands in the Territories of Alaska and Hawaii: *Provided, That—*

Military
public land
withdrawals.

(1) for the purposes of this Act, the term "public lands" shall be deemed to include, without limiting the meaning thereof, Federal lands and waters of the Outer Continental Shelf, as defined in section 2 of the Outer Continental Shelf Lands Act (67 Stat. 462), and Federal lands and waters off the coast of the Territories of Alaska and Hawaii; 43 USC 1331.

(2) nothing in this Act shall be deemed to be applicable to the withdrawal or reservation of public lands specifically as naval petroleum, naval oil shale, or naval coal reserves;

(3) nothing in this Act shall be deemed to be applicable to the warning areas over the Federal lands and waters of the Outer Continental Shelf and Federal lands and waters off the coast of the Territory of Alaska reserved for use of the military departments prior to the enactment of the Outer Continental Shelf Lands Act (67 Stat. 462); and 72 Stat. 27,
72 Stat. 28.

43 USC 1331
note.

(4) nothing in sections 1, 2, or 3 of this Act shall be deemed to be applicable either to those reservations or withdrawals which expired due to the ending of the unlimited national emergency of May 27, 1941, and which subsequent to such expiration have been and are now used by the military departments with the concurrence of the Department of the Interior, or to the withdrawal of public domain lands of the Marine Corps Training Center, Twentynine Palms, California, and the naval gunnery ranges in the State of Nevada designated as Basic Black Rock and Basic Sahwave Mountain.

SEC. 2. No public land, water, or land and water area shall, except by Act of Congress, hereafter be (1) withdrawn from settlement, location, sale, or entry for the use of the Department of Defense for defense purposes; (2) reserved for such use; or (3) restricted from operation of the mineral leasing provisions of the Outer Continental Shelf Lands Act (67 Stat. 462), if such withdrawal, reservation, or restriction would result in the withdrawal, reservation, or restriction of more than five thousand acres in the aggregate for any one defense project or facility of the Department of Defense since the date of enactment of this Act or since the last previous Act of Congress which withdrew, reserved, or restricted public land, water, or land and water area for that project or facility, whichever is later. Restrictions.

SEC. 3. Any application hereafter filed for a withdrawal, reservation, or restriction, the approval of which will, under section 2 of this Act, require an Act of Congress, shall specify— Application
specifications.

(1) the name of the requesting agency and intended using agency;

(2) location of the area involved, to include a detailed description of the exterior boundaries and excepted areas, if any, within such proposed withdrawal, reservation, or restriction;

(3) gross land and water acreage within the exterior boundaries of the requested withdrawal, reservation, or restriction, and net public land, water, or public land and water acreage covered by the application;

(4) the purpose or purposes for which the area is proposed to be withdrawn, reserved, or restricted, or if the purpose or purposes are classified for national security reasons, a statement to that effect;

(5) whether the proposed use will result in contamination of any or all of the requested withdrawal, reservation, or restriction area, and if so, whether such contamination will be permanent or temporary;

(6) the period during which the proposed withdrawal, reservation, or restriction will continue in effect;

(7) whether, and if so to what extent, the proposed use will affect continuing full operation of the public land laws and Federal regulations relating to conservation, utilization, and development of mineral resources, timber and other material resources, grazing resources, fish and wildlife resources, water resources, and scenic, wilderness, and recreation and other values; and

(8) if effecting the purpose for which the area is proposed to be withdrawn, reserved, or restricted, will involve the use of water in any State, whether, subject to existing rights under law, the intended using agency has acquired, or proposes to acquire, rights to the use thereof in conformity with State laws and procedures relating to the control, appropriation, use, and distribution of water.

72 Stat. 28.
72 Stat. 29.

70A Stat. 147.
10 USC 2661-
2671.

SEC. 4. Chapter 159 of title 10, United States Code, is amended as follows:

(1) By adding the following new section at the end:

“§ 2671. Military reservations and facilities: hunting, fishing, and trapping

“(a) The Secretary of Defense shall, with respect to each military installation or facility under the jurisdiction of any military department in a State or Territory—

“(1) require that all hunting, fishing, and trapping at that installation or facility be in accordance with the fish and game laws of the State or Territory in which it is located;

“(2) require that an appropriate license for hunting, fishing, or trapping on that installation or facility be obtained, except that with respect to members of the Armed Forces, such a license may be required only if the State or Territory authorizes the issuance of a license to a member on active duty for a period of more than thirty days at an installation or facility within that State or Territory, without regard to residence requirements, and upon terms otherwise not less favorable than the terms upon which such a license is issued to residents of that State or Territory; and

“(3) develop, subject to safety requirements and military security, and in cooperation with the Governor (or his designee) of the State or Territory in which the installation or facility is located, procedures under which designated fish and game or conservation officials of that State or Territory may, at such time and under such conditions as may be agreed upon, have full access to that installation or facility to effect measures for the management, conservation, and harvesting of fish and game resources.

“(b) The Secretary of Defense shall prescribe regulations to carry out this section.

“(c) Whoever is guilty of an act or omission which violates a requirement prescribed under subsection (a) (1) or (2), which act or omission would be punishable if committed or omitted within the jurisdiction of the State or Territory in which the installation or facility is located, by the laws thereof in effect at the time of that act or omission, is guilty of a like offense and is subject to a like punishment.

“(d) This section does not modify any rights granted by treaty or otherwise to any Indian tribe or to the members thereof.”

(2) By adding the following new item at the end of the analysis:

“2671. Military reservations and facilities: hunting, fishing, and trapping.”

SEC. 5. The Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, is hereby further amended by revising 40 USC 472. section 3 (d) to read as follows:

“(d) The term ‘property’ means any interest in property except **“Property”**. (1) the public domain; lands reserved or dedicated for national forest or national park purposes; minerals in lands or portions of lands withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws; and lands withdrawn or reserved from the public domain except lands or portions of lands so withdrawn or reserved which the Secretary of the Interior, with the concurrence of the Administrator, determines are not suitable for return to the public domain for disposition under the general public-land laws because such lands are substantially changed in character by improvements or otherwise; (2) naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines; and (3) records of the Federal Government.”

72 Stat. 29.

72 Stat. 30.

SEC. 6. All withdrawals or reservations of public lands for the use of any agency of the Department of Defense, except lands withdrawn or reserved specifically as naval petroleum, naval oil shale, or naval coal reserves, heretofore or hereafter made by the United States, shall be deemed to be subject to the condition that all minerals, including oil and gas, in the lands so withdrawn or reserved are under the jurisdiction of the Secretary of the Interior and there shall be no disposition of, or exploration for, any minerals in such lands except under the applicable public land mining and mineral leasing laws: *Provided*, That no disposition of, or exploration for, any minerals in such lands shall be made where the Secretary of Defense, after consultation with the Secretary of the Interior, determines that such disposition or exploration is inconsistent with the military use of the lands so withdrawn or reserved.

Mineral
resources.

Approved February 28, 1958.

